

UNOFFICIAL VERSION

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TUESDAY, MAY 1, 2012

EIGHTY-FIRST LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 10:00 a.m., and was called to order by Mr. Speaker Ramsey.

PRAYER

The proceedings were opened with prayer by Senator Bell.

PLEDGE OF ALLEGIANCE

Senator Bell led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 32

Senators present were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

COMMUNICATION

May 2, 2012

Lt. Governor Ron Ramsey
1 Legislative Plaza
Nashville, TN 37243

Dear Lt. Governor Ramsey:

I had to be absent from Senate Session on May 1, 2012, due to family commitments back in my district.

Sincerely,

/s/ Senator Rusty Crowe
Chair, Senate Health and Welfare Committee
3rd Senatorial District

APPROVED: Lieutenant Governor
Ron Ramsey

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

STANDING COMMITTEE REPORT

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: House Joint Resolution No. 816.

MCNALLY, Chairperson
May 1, 2012

The Speaker announced that he had referred House Joint Resolution No. 816 to the Committee on Calendar.

MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **House Bill No. 2315** be passed on first consideration, which motion prevailed.

HOUSE BILL ON FIRST CONSIDERATION

The Speaker announced that the following House Bill was transmitted to the Senate and passed first consideration:

House Bill No. 2315 -- Education -- As introduced, postpones the use of the new teacher evaluation system. Amends TCA Title 49.

MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolution No. 927** be passed on first consideration and lie over, which motion prevailed.

INTRODUCTION OF RESOLUTION

The Speaker announced that the following resolution was filed for introduction. Pursuant to Rule 21, the resolution lies over.

Senate Joint Resolution No. 927 by Senator Ford.
Memorials, Recognition -- Edmund Ford, Jr.

MOTION

Senator Norris moved, pursuant to Rule 21, **House Joint Resolutions Nos. 751, 810, 839, 870, 947, 960, 965, 980, 996, 1001, 1017, 1055, 1093, 1109, 1142 and 1155 through 1181** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

RESOLUTIONS LYING OVER

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

House Joint Resolution No. 751 -- General Assembly, Statement of Intent or Position -- Urges Department of Safety to conduct feasibility study of an online database of persons having proof of financial responsibility for law enforcement purposes.

The Speaker announced that he had referred House Joint Resolution No. 751 to the Committee on Transportation and Safety.

House Joint Resolution No. 810 -- Highway Signs -- "Chief J.A. 'Tony' Pace Memorial Bridge", Bridge on Highway 57, west of Moscow, Tennessee, over the Wolf River.

The Speaker announced that he had referred House Joint Resolution No. 810 to the Committee on Transportation and Safety.

House Joint Resolution No. 839 -- Naming and Designating -- Designates May, 2012 as "Prader-Willi Syndrome Awareness Month" in Tennessee.

The Speaker announced that he had referred House Joint Resolution No. 839 to the Committee on State and Local Government.

House Joint Resolution No. 870 -- General Assembly, Statement of Intent or Position -- Expresses desire of general assembly to see monument honoring David Crockett erected at prominent location on grounds of state capitol.

The Speaker announced that he had referred House Joint Resolution No. 870 to the Committee on Calendar.

House Joint Resolution No. 947 -- Naming and Designating -- "National Peace Officers Memorial Day", May 15, 2012, and "National Police Week", May 13-19, 2012.

The Speaker announced that he had referred House Joint Resolution No. 947 to the Committee on State and Local Government.

House Joint Resolution No. 960 -- Memorials, Recognition -- Women's Heart Health Initiative.

The Speaker announced that he had referred House Joint Resolution No. 960 to the Committee on Calendar.

House Joint Resolution No. 965 -- Naming and Designating -- Designates May as "Lupus Awareness Month" and May 10, 2012, as "World Lupus Day in Tennessee".

The Speaker announced that he had referred House Joint Resolution No. 965 to the Committee on State and Local Government.

House Joint Resolution No. 980 -- Highway Signs -- "Scott James Brown Memorial Bridge", State Route 62 in Morgan County.

The Speaker announced that he had referred House Joint Resolution No. 980 to the Committee on Transportation and Safety.

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

House Joint Resolution No. 996 -- General Assembly, Statement of Intent or Position -- Urges Tennesseans to buy the Nissan LEAF.

The Speaker announced that he had referred House Joint Resolution No. 996 to the Committee on Energy and Environment.

House Joint Resolution No. 1001 -- Highway Signs -- "William 'Bill' Ferguson Bridge", U.S. 70 over Clinch River in Roane County.

The Speaker announced that he had referred House Joint Resolution No. 1001 to the Committee on Transportation and Safety.

House Joint Resolution No. 1017 -- Highway Signs -- "John Roberts Parkway", extension of State Route 84 in Livingston.

The Speaker announced that he had referred House Joint Resolution No. 1017 to the Committee on Transportation and Safety.

House Joint Resolution No. 1055 -- Highway Signs -- "Ltc. Everette B. Crumpler III Memorial Highway", segment of Highway 104 in Gibson County.

The Speaker announced that he had referred House Joint Resolution No. 1055 to the Committee on Transportation and Safety.

House Joint Resolution No. 1093 -- Memorials, Recognition -- Remembers the events of 1975 when Speaker Emeritus Jimmy Naifeh became a member of the Tennessee House of Representatives.

The Speaker announced that he had referred House Joint Resolution No. 1093 to the Committee on Calendar.

House Joint Resolution No. 1109 -- Highway Signs -- "Dale Fisher Memorial Highway", segment of State Route 57 in McNairy County.

The Speaker announced that he had referred House Joint Resolution No. 1109 to the Committee on Transportation and Safety.

House Joint Resolution No. 1142 -- Memorials, Recognition -- Remembers the events of 1975 when Speaker Emeritus Jimmy Naifeh became a member of the Tennessee House of Representatives.

The Speaker announced that he had referred House Joint Resolution No. 1142 to the Committee on Calendar.

House Joint Resolution No. 1155 -- Memorials, Academic Achievement -- Amber Carpenter, Valedictorian, Memphis Health Careers Academy.

The Speaker announced that he had referred House Joint Resolution No. 1155 to the Committee on Calendar.

House Joint Resolution No. 1156 -- Memorials, Personal Occasion -- Rebecca Evans Johnson, 80th birthday.

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

The Speaker announced that he had referred House Joint Resolution No. 1156 to the Committee on Calendar.

House Joint Resolution No. 1157 -- Memorials, Professional Achievement -- Dale Keasling, Junior Achievement of East Tennessee Business Hall of Fame.

The Speaker announced that he had referred House Joint Resolution No. 1157 to the Committee on Calendar.

House Joint Resolution No. 1158 -- Memorials, Death -- Mary Alice Johnson Gandy.

The Speaker announced that he had referred House Joint Resolution No. 1158 to the Committee on Calendar.

House Joint Resolution No. 1159 -- Memorials, Recognition -- Kimberlee Morton.

The Speaker announced that he had referred House Joint Resolution No. 1159 to the Committee on Calendar.

House Joint Resolution No. 1160 -- Memorials, Academic Achievement -- Tojuan Reed.

The Speaker announced that he had referred House Joint Resolution No. 1160 to the Committee on Calendar.

House Joint Resolution No. 1161 -- Memorials, Retirement -- Colonel Bishop Mays.

The Speaker announced that he had referred House Joint Resolution No. 1161 to the Committee on Calendar.

House Joint Resolution No. 1162 -- Memorials, Personal Achievement -- Kevin Jones, Eagle Scout.

The Speaker announced that he had referred House Joint Resolution No. 1162 to the Committee on Calendar.

House Joint Resolution No. 1163 -- Memorials, Recognition -- LeMoyne-Owen College Sesquicentennial.

The Speaker announced that he had referred House Joint Resolution No. 1163 to the Committee on Calendar.

House Joint Resolution No. 1164 -- Memorials, Retirement -- Norma A. Mathis.

The Speaker announced that he had referred House Joint Resolution No. 1164 to the Committee on Calendar.

House Joint Resolution No. 1165 -- Memorials, Academic Achievement -- Taylor Morgan Thomas, Salutatorian, Westmoreland High School.

The Speaker announced that he had referred House Joint Resolution No. 1165 to the Committee on Calendar.

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

House Joint Resolution No. 1166 -- Memorials, Academic Achievement -- Kristen Mikayla Ray, Valedictorian, Westmoreland High School.

The Speaker announced that he had referred House Joint Resolution No. 1166 to the Committee on Calendar.

House Joint Resolution No. 1167 -- Memorials, Academic Achievement -- James W. Kemp, Valedictorian, Westmoreland High School.

The Speaker announced that he had referred House Joint Resolution No. 1167 to the Committee on Calendar.

House Joint Resolution No. 1168 -- Memorials, Academic Achievement -- Michaela Marie Briley, Valedictorian, Westmoreland High School.

The Speaker announced that he had referred House Joint Resolution No. 1168 to the Committee on Calendar.

House Joint Resolution No. 1169 -- Memorials, Academic Achievement -- Hannah Ruth Borders, Valedictorian, Westmoreland High School.

The Speaker announced that he had referred House Joint Resolution No. 1169 to the Committee on Calendar.

House Joint Resolution No. 1170 -- Memorials, Academic Achievement -- Kelsey Gregory, Valedictorian, Westmoreland High School.

The Speaker announced that he had referred House Joint Resolution No. 1170 to the Committee on Calendar.

House Joint Resolution No. 1171 -- Memorials, Academic Achievement -- Kierra R. Jamerson, Valedictorian, East High School.

The Speaker announced that he had referred House Joint Resolution No. 1171 to the Committee on Calendar.

House Joint Resolution No. 1172 -- Memorials, Academic Achievement -- Kedarius A. Austin, Salutatorian, East High School.

The Speaker announced that he had referred House Joint Resolution No. 1172 to the Committee on Calendar.

House Joint Resolution No. 1173 -- Memorials, Academic Achievement -- Bianca Denise Fair, Salutatorian, Hamilton High School.

The Speaker announced that he had referred House Joint Resolution No. 1173 to the Committee on Calendar.

House Joint Resolution No. 1174 -- Memorials, Academic Achievement -- Darwin Dauine Denton, Valedictorian, Hamilton High School.

The Speaker announced that he had referred House Joint Resolution No. 1174 to the Committee on Calendar.

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

House Joint Resolution No. 1175 -- Memorials, Academic Achievement -- Rikee Rehsa McGrone, Salutatorian, Memphis Academy of Health Sciences.

The Speaker announced that he had referred House Joint Resolution No. 1175 to the Committee on Calendar.

House Joint Resolution No. 1176 -- Memorials, Academic Achievement -- Chrishunna Janese Coleman, Valedictorian, Memphis Academy of Health Sciences.

The Speaker announced that he had referred House Joint Resolution No. 1176 to the Committee on Calendar.

House Joint Resolution No. 1177 -- Memorials, Public Service -- Reta Adams.

The Speaker announced that he had referred House Joint Resolution No. 1177 to the Committee on Calendar.

House Joint Resolution No. 1178 -- Memorials, Public Service -- St. Jude Children's Research Hospital, 50th anniversary.

The Speaker announced that he had referred House Joint Resolution No. 1178 to the Committee on Calendar.

House Joint Resolution No. 1179 -- Memorials, Personal Occasion -- Gary and Libbie Suter, 50th wedding anniversary.

The Speaker announced that he had referred House Joint Resolution No. 1179 to the Committee on Calendar.

House Joint Resolution No. 1180 -- Memorials, Personal Occasion -- Frances Juanita Potter Rueta, 80th birthday.

The Speaker announced that he had referred House Joint Resolution No. 1180 to the Committee on Calendar.

House Joint Resolution No. 1181 -- Memorials, Recognition -- Bancroft Bible Camp, 75th anniversary.

The Speaker announced that he had referred House Joint Resolution No. 1181 to the Committee on Calendar.

NOTICES

MESSAGE FROM THE HOUSE

April 30, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 326, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,
Chief Clerk.

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

MESSAGE FROM THE HOUSE

April 30, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2247, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 30, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3145, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 30, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1738, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 30, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2982. The House nonconcurred in Senate Amendment No. 2.

JOE MCCORD,
Chief Clerk.

MOTION

Senator Faulk moved that Rule 19 and Rule 40 be suspended for the purpose of making and considering Message Calendar No. 1 consisting of the following bills: **Senate Bills Nos. 1471, 1688, 2735, 2943 and 3092**; and **House Bill No. 2982**, which motion prevailed.

MESSAGE CALENDAR NO. 1

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 1471 -- Education -- As introduced, requires school year to begin no earlier than fourth Monday in August unless the Department of Education grants a waiver; requires department to create a timeline detailing how state will meet federal school choice notification requirements. Amends TCA Title 49.

HOUSE AMENDMENT NO. 2

AMEND by deleting the following language in Section 1:

The provisions of this subsection shall not be construed to apply to innovative educational programs pursuant to § 49-1-207 or schools within the achievement school district pursuant to § 49-1-614.

and by substituting instead the following language:

The provisions of this subsection shall not be construed to apply to innovative educational programs pursuant to § 49-1-207, schools within the achievement school district pursuant to § 49-1-614 or public charter schools pursuant to Chapter 13 of this title.

Senator Barnes moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 1471**, which motion prevailed by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Watson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

Senator Barnes moved that **Senate Bill No. 1471** be placed at the heel of Message Calendar No. 1 for today, which motion prevailed.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 1688 -- Schools, Charter -- As introduced, requires public charter school's annual renewal application to include the number of students who attended the school in the most recently completed academic year and the schools that those students attended prior to enrolling at the charter school. Amends TCA Title 49.

HOUSE AMENDMENT NO. 10

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 13, is amended by adding the following language as a new, appropriately designated section:

49-13-1___. Notwithstanding the provisions of § 49-13-104(7) to the contrary, an LEA may be the sponsor of a charter school. If an LEA seeks to sponsor a charter school, then the State Board of Education shall serve as the chartering authority.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Faulk moved that the Senate concur in House Amendment No. 10 to **Senate Bill No. 1688**, which motion prevailed by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2735 -- State Government -- As introduced, authorizes the State Building Commission to allocate energy efficient commercial building tax deductions from the IRS to persons designing such buildings. Amends TCA Title 4, Chapter 15 and Title 12, Chapter 3.

HOUSE AMENDMENT NO. 2

AMEND by deleting in the second sentence of Section 1 the language "may" and by substituting instead the language "shall".

AND FURTHER AMEND by adding the following language to the end of the amendatory language of Section 1:

If the property is financed with bonds issued by the State of Tennessee, no energy efficient commercial building tax deduction shall be awarded without approval of bond counsel.

Senator Johnson moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 2735**, which motion prevailed by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2943 -- Insurance, Health, Accident -- As introduced, states that coverage made available in plans under the "Memphis Plan Act of 1991" shall constitute minimum essential health coverage for purposes of compliance with certain federal minimum coverage requirements. Amends TCA Title 56, Chapter 7.

Senator Ford declared Rule 13 on **Senate Bill No. 2943**.

HOUSE AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 7, Part 20, is amended by adding the following language as a new, appropriately designated section:

56-7-2004. Coverage made available under the plan shall constitute minimum essential health coverage for purposes of compliance with 26 U.S.C. § 5000A.

SECTION 2. Tennessee Code Annotated, Title 56, Chapter 7, Part 20, is amended by adding the following language as a new, appropriately designated section:

56-7-2005. Operation consistent with the standards described in § 56-7-2003 shall create a presumption that the operating entity satisfies the requirements of 26 U.S.C. § 5000A(d)(2)(B)(ii).

SECTION 3. This bill shall take effect on July 1, 2012, the public welfare requiring it.

Senator Norris moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 2943**, which motion prevailed by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 3092 -- Criminal Offenses -- As introduced, prohibits business owners from knowingly permitting minors to engage in sexual activity on the premises of the business. Amends TCA Title 39; Title 40; Title 67; Title 68 and Title 71.

HOUSE AMENDMENT NO. 3

AMEND by deleting the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 9, is amended by adding the following as a new section:

39-17-9__.

(a) It is an offense for a person eighteen (18) years of age or older to knowingly promote or organize a gathering of two or more minors in a public place, as defined in § 39-13-511, with the intent to provide a location for said minors to engage in public indecency as defined in § 39-13-511.

(b) A violation of subsection (a), is a Class A misdemeanor.

(c) Any personal property used in the commission of a violation of this section is, upon conviction, subject to judicial forfeiture as provided in Title 39, Chapter 11, Part 7.

(d) Nothing in this section shall deprive a court of any authority to suspend or cancel a license, declare the establishment a nuisance or impose costs and other monetary obligations if specifically authorized by law.

(e) For purposes of this section "public area on the property of that business or retail establishment" means a public place as defined in § 39-13-511.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.

Senator Herron moved that the Senate concur in House Amendment No. 3 to **Senate Bill No. 3092**, which motion prevailed by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senator Kelsey moved that **House Bill No. 2982** be placed at the heel of Message Calendar No. 1 for today, which motion prevailed.

FURTHER ACTION ON SENATE BILL NO. 1471

HOUSE AMENDMENT NO. 5

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 49-6-3004, is further amended by adding the following language as a new, appropriately designated subdivision of subsection (f):

() The provisions of this subsection (f) shall not apply to any LEA operating in any county having a population of not less than one hundred twenty-six thousand six hundred (126,600) nor more than one hundred twenty-six thousand seven hundred (126,700) according to the 2000 federal census or any subsequent federal census. In any such county, an LEA shall commence the school year no earlier than August 1 unless the LEA's board of education votes by a majority of its membership to establish a year-round or alternative calendar for all or any of the schools within its jurisdiction in accordance with Department of Education attendance policies.

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

Senator Barnes moved that the Senate nonconcur in House Amendment No. 5 to **Senate Bill No. 1471**, which motion prevailed.

HOUSE AMENDMENT NO. 6

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 49-6-3004, is further amended by adding the following language as a new, appropriately designated subdivision of subsection (f):

() The provisions of this subsection (f) shall not apply to any LEA operating in any county having a population of not less than fifty-eight thousand one hundred (58,100) nor more than fifty-eight thousand two hundred (58,200) according to the 2000 federal census or any subsequent federal census. In any such county, an LEA shall commence the school year no earlier than August 1 unless the LEA's board of education votes by a majority of its membership to establish a year-round or alternative calendar for all or any of the schools within its jurisdiction in accordance with Department of Education attendance policies.

Senator Barnes moved that the Senate nonconcur in House Amendment No. 6 to **Senate Bill No. 1471**, which motion prevailed.

HOUSE AMENDMENT NO. 7

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 49-6-3004, is further amended by adding the following language as a new, appropriately designated subdivision of subsection (f):

() The provisions of this subsection (f) shall not apply to any LEA operating in any county having a population of

<u>not less than:</u>	<u>nor more than:</u>
38,900	39,000
39,050	39,150

In any such county, an LEA shall commence the school year no earlier than August 1 unless the LEA's board of education votes by a majority of its membership to establish a year-round or alternative calendar for all or any of the schools within its jurisdiction in accordance with Department of Education attendance policies.

Senator Barnes moved that the Senate nonconcur in House Amendment No. 7 to **Senate Bill No. 1471**, which motion prevailed.

HOUSE AMENDMENT NO. 8

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

SECTION _____. Tennessee Code Annotated, Section 49-6-3004, is further amended by adding the following language as a new, appropriately designated subdivision of subsection (f):

() The provisions of this subsection (f) shall not apply to any LEA operating in any county having a population of not less than seventeen thousand four hundred seventy-five (17,475) nor more than seventeen thousand five hundred seventy-five (17,575) according to the 2000 federal census or any subsequent federal census. In any such county, an LEA shall commence the school year no earlier than August 1 unless the LEA's board of education votes by a majority of its membership to establish a year-round or alternative calendar for all or any of the schools within its jurisdiction in accordance with Department of Education attendance policies.

Senator Barnes moved that the Senate nonconcur in House Amendment No. 8 to **Senate Bill No. 1471**, which motion prevailed.

HOUSE AMENDMENT NO. 9

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 49-6-3004, is further amended by adding the following language as a new, appropriately designated subdivision of subsection (f):

() The provisions of this subsection (f) shall not apply to any LEA operating in any county having a population of not less than fifty-six thousand seven hundred (56,700) nor more than fifty-six thousand eight hundred (56,800) according to the 2000 federal census or any subsequent federal census. In any such county, an LEA shall commence the school year no earlier than August 1 unless the LEA's board of education votes by a majority of its membership to establish a year-round or alternative calendar for all or any of the schools within its jurisdiction in accordance with Department of Education attendance policies.

Senator Barnes moved that the Senate nonconcur in House Amendment No. 9 to **Senate Bill No. 1471**, which motion prevailed.

HOUSE AMENDMENT NO. 10

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 49-6-3004, is further amended by adding the following language as a new, appropriately designated subdivision of subsection (f):

() The provisions of this subsection (f) shall not apply to any LEA operating in any county having a population of

<u>not less than:</u>	<u>nor more than:</u>
14,500	14,600
27,100	27,200

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

In any such county, an LEA shall commence the school year no earlier than August 1 unless the LEA's board of education votes by a majority of its membership to establish a year-round or alternative calendar for all or any of the schools within its jurisdiction in accordance with Department of Education attendance policies.

Senator Barnes moved that the Senate nonconcur in House Amendment No. 10 to **Senate Bill No. 1471**, which motion prevailed.

HOUSE AMENDMENT NO. 11

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____ Tennessee Code Annotated, Section 49-6-3004, is further amended by adding the following language as a new, appropriately designated subdivision of subsection (f):

() The provisions of this subsection (f) shall not apply to any LEA operating in any county having a population of not less than twenty-eight thousand one hundred (28,100) nor more than twenty-eight thousand two hundred (28,200) according to the 2000 federal census or any subsequent federal census. In any such county, an LEA shall commence the school year no earlier than August 1 unless the LEA's board of education votes by a majority of its membership to establish a year-round or alternative calendar for all or any of the schools within its jurisdiction in accordance with Department of Education attendance policies.

Senator Barnes moved that the Senate nonconcur in House Amendment No. 11 to **Senate Bill No. 1471**, which motion prevailed.

HOUSE AMENDMENT NO. 4

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____ Tennessee Code Annotated, Section 49-6-3004, is further amended by adding the following language as a new, appropriately designated subdivision of subsection (f):

() The provisions of this subsection (f) shall not apply to any LEA operating in any county having a population of not less than one hundred five thousand eight hundred (105,800) nor more than one hundred five thousand nine hundred (105,900) according to the 2000 federal census or any subsequent federal census. In any such county, an LEA shall commence the school year no earlier than August 1 unless the LEA's board of education votes by a majority of its membership to establish a year-round or alternative calendar for all or any of the schools within its jurisdiction in accordance with Department of Education attendance policies.

Senator Barnes moved that the Senate nonconcur in House Amendment No. 4 to **Senate Bill No. 1471**, which motion prevailed.

HOUSE AMENDMENT NO. 13

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____. Tennessee Code Annotated, Section 49-6-3004, is further amended by adding the following language as a new, appropriately designated subdivision of subsection (f):

() The provisions of this subsection (f) shall not apply to the LEA with the largest ADM operating in any county having a population of more than eight hundred thousand (800,000) according to the 2000 federal census or any subsequent federal census. In any such county, an LEA shall commence the school year no earlier than August 1 unless the LEA's board of education votes by a majority of its membership to establish a year-round or alternative calendar for all or any of the schools within its jurisdiction in accordance with Department of Education attendance policies.

Senator Barnes moved that the Senate nonconcur in House Amendment No. 13 to **Senate Bill No. 1471**, which motion prevailed.

HOUSE AMENDMENT NO. 14

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____. Tennessee Code Annotated, Section 49-6-3004, is further amended by adding the following language as a new, appropriately designated subdivision of subsection (f):

() The provisions of this subsection (f) shall not apply to any LEA operating in any county having a population of not less than twenty-two thousand two hundred (22,200) nor more than twenty-two thousand three hundred (22,300) according to the 2000 federal census or any subsequent federal census. In any such county, an LEA shall commence the school year no earlier than August 1 unless the LEA's board of education votes by a majority of its membership to establish a year-round or alternative calendar for all or any of the schools within its jurisdiction in accordance with Department of Education attendance policies.

Senator Barnes moved that the Senate nonconcur in House Amendment No. 14 to **Senate Bill No. 1471**, which motion prevailed.

HOUSE AMENDMENT NO. 15

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____. Tennessee Code Annotated, Section 49-6-3004, is further amended by adding the following language as a new, appropriately designated subdivision of subsection (f):

() The provisions of this subsection (f) shall not apply to any LEA operating in any county having a population of

<u>not less than:</u>	<u>nor more than:</u>
7,600	7,700
8,050	8,100
17,900	18,000

In any such county, an LEA shall commence the school year no earlier than August 1 unless the LEA's board of education votes by a majority of its membership to establish a year-round or alternative calendar for all or any of the schools within its jurisdiction in accordance with Department of Education attendance policies.

Senator Barnes moved that the Senate nonconcur in House Amendment No. 15 to **Senate Bill No. 1471**, which motion prevailed.

HOUSE AMENDMENT NO. 16

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 49-6-3004, is further amended by adding the following language as a new, appropriately designated subdivision of subsection (f):

() The provisions of this subsection (f) shall not apply to any LEA operating in any county having a population of not less than twenty-eight thousand eight hundred (28,800) nor more than twenty-eight thousand nine hundred (28,900) according to the 2000 federal census or any subsequent federal census. In any such county, an LEA shall commence the school year no earlier than August 1 unless the LEA's board of education votes by a majority of its membership to establish a year-round or alternative calendar for all or any of the schools within its jurisdiction in accordance with Department of Education attendance policies.

Senator Barnes moved that the Senate nonconcur in House Amendment No. 16 to **Senate Bill No. 1471**, which motion prevailed.

HOUSE AMENDMENT NO. 17

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 49-6-3004, is further amended by adding the following language as a new, appropriately designated subdivision of subsection (f):

() The provisions of this subsection (f) shall not apply to any LEA operating in any county having a population of

<u>not less than:</u>	<u>nor more than:</u>
25,575	25,650
24,600	24,700

In any such county, an LEA shall commence the school year no earlier than August 1 unless the LEA's board of education votes by a majority of its membership to establish a year-round or alternative calendar for all or any of the schools within its jurisdiction in accordance with Department of Education attendance policies.

Senator Barnes moved that the Senate nonconcur in House Amendment No. 17 to **Senate Bill No. 1471**, which motion prevailed.

HOUSE AMENDMENT NO. 18

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 49-6-3004, is further amended by adding the following language as a new, appropriately designated subdivision of subsection (f):

() The provisions of this subsection (f) shall not apply to any LEA operating in any county having a population of not less than eighty-eight thousand eight hundred (88,800) nor more than eighty-eight thousand nine hundred (88,900) according to the 2000 federal census or any subsequent federal census. In any such county, an LEA shall commence the school year no earlier than August 1 unless the LEA's board of education votes by a majority of its membership to establish a year-round or alternative calendar for all or any of the schools within its jurisdiction in accordance with Department of Education attendance policies.

Senator Barnes moved that the Senate nonconcur in House Amendment No. 18 to **Senate Bill No. 1471**, which motion prevailed.

HOUSE AMENDMENT NO. 19

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 49-6-3004, is further amended by adding the following language as a new, appropriately designated subdivision of subsection (f):

() The provisions of this subsection (f) shall not apply to any LEA operating in any county having a population of

<u>not less than:</u>	<u>nor more than:</u>
12,300	12,368
46,800	46,900

In any such county, an LEA shall commence the school year no earlier than August 1 unless the LEA's board of education votes by a majority of its membership to establish a year-round or alternative calendar for all or any of the schools within its jurisdiction in accordance with Department of Education attendance policies.

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

Senator Barnes moved that the Senate nonconcur in House Amendment No. 19 to **Senate Bill No. 1471**, which motion prevailed.

HOUSE AMENDMENT NO. 20

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____ Tennessee Code Annotated, Section 49-6-3004, is further amended by adding the following language as a new, appropriately designated subdivision of subsection (f):

() The provisions of this subsection (f) shall not apply to any LEA operating in any county having a population of not less than forty-nine thousand (49,000) nor more than forty-nine thousand one hundred (49,100) according to the 2000 federal census or any subsequent federal census. In any such county, an LEA shall commence the school year no earlier than August 1 unless the LEA's board of education votes by a majority of its membership to establish a year-round or alternative calendar for all or any of the schools within its jurisdiction in accordance with Department of Education attendance policies.

Senator Barnes moved that the Senate nonconcur in House Amendment No. 20 to **Senate Bill No. 1471**, which motion prevailed.

HOUSE AMENDMENT NO. 22

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____ Tennessee Code Annotated, Section 49-6-3004, is further amended by adding the following language as a new, appropriately designated subdivision of subsection (f):

() The provisions of this subsection (f) shall not apply to any LEA operating in any county having a population of

<u>not less than:</u>	<u>nor more than:</u>
7,200	7,300
12,800	12,900

In any such county, an LEA shall commence the school year no earlier than August 1 unless the LEA's board of education votes by a majority of its membership to establish a year-round or alternative calendar for all or any of the schools within its jurisdiction in accordance with Department of Education attendance policies.

Senator Barnes moved that the Senate nonconcur in House Amendment No. 22 to **Senate Bill No. 1471**, which motion prevailed.

Senator Kelsey moved that **House Bill No. 2982** be placed on the next Message Calendar, which motion prevailed.

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

MOTION

Senator Tracy moved that Rule 83 be suspended for the purpose of allowing the Committee on Transportation and Safety to meet immediately during the recess today to consider **House Joint Resolutions Nos. 791, 863, 872, 980, 1017 and 1055**, which motion prevailed.

MOTION

Senator Johnson moved that Rule 83 be suspended for the purpose of allowing the Committee on Commerce, Labor and Agriculture to meet during the recess today to consider **Senate Bill No. 3461**, which motion failed.

MOTION

Senator Kelsey moved that Message Calendar No. 1 be considered, next, out of order, which motion prevailed.

MESSAGE CALENDAR NO. 1

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 2982 -- Judgments -- As introduced, changes the standard interest rate on judgments from 10 percent to the federal reserve weekly average prime loan rate, so long as such rate does not exceed 10 percent. Amends TCA Title 47.

Senator Kyle declared Rule 13 on **House Bill No. 2982**.

Senator Berke declared Rule 13 on **House Bill No. 2982**.

Senator Barnes declared Rule 13 on **House Bill No. 2982**.

Senator Norris declared Rule 13 on **House Bill No. 2982**.

Senator Kelsey moved to lift from the table a motion to reconsider on **House Bill No. 2982**, which motion failed by the following vote:

Ayes 17
Noes 13

Senators voting aye were: Beavers, Bell, Berke, Gresham, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Roberts, Southerland, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--17.

Senators voting no were: Barnes, Burks, Campfield, Faulk, Finney, Ford, Harper, Haynes, Henry, Herron, Marrero, Overbey and Tate--13.

MOTION

Senator McNally moved that Rule 83 be suspended for the purpose of allowing the Committee on Finance, Ways and Means to meet immediately during the recess today to consider **House Joint Resolution No. 750**, which motion prevailed.

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

RECESS

Senator Norris moved the Senate stand in recess until 2:00 p.m., which motion prevailed.

CALL TO ORDER

The Senate was called to order by Mr. Speaker Ramsey.

ROLL CALL

The Speaker declared that a quorum was present.

On motion, the roll call was dispensed with.

STANDING COMMITTEE REPORTS

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: House Joint Resolutions Nos. 751 and 1061.

MCNALLY, Chairperson
May 1, 2012

The Speaker announced that he had referred House Joint Resolutions Nos. 751 and 1061 to the Committee on Calendar.

TRANSPORTATION AND SAFETY

MR. SPEAKER: Your Committee on Transportation and Safety begs leave to report that we have carefully considered and recommend for passage: House Joint Resolutions Nos. 791, 863, 872, 980, 1017 and 1055.

TRACY, Chairperson
May 1, 2012

The Speaker announced that he had referred House Joint Resolutions Nos. 791, 863, 872, 980, 1017 and 1055 to the Committee on Calendar.

NOTICES

MESSAGE FROM THE HOUSE

April 30, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1325, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,
Chief Clerk.

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

MESSAGE FROM THE HOUSE

April 30, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1493, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 30, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2267, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 30, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2302, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 30, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2777, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 30, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3350, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 30, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3647, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,
Chief Clerk.

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

MESSAGE FROM THE HOUSE

April 30, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 239, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 30, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3247, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 30, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1504, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 30, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2774. The House nonconcur in Senate Amendment No. 2.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 1, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1471. The House refused to recede from its action in adopting House Amendments Nos. 5, 6, 7, 8, 9, 10, 11, 4, 13, 14, 15, 16, 17, 18, 19, 20 and 22.

JOE MCCORD,
Chief Clerk.

Senator Barnes moved that the Senate refuse to recede from its action in nonconcurring in House Amendments Nos. 5, 6, 7, 8, 9, 10, 11, 4, 13, 14, 15, 16, 17, 18, 19, 20 and 22 to **Senate Bill No. 1471**, which motion prevailed.

Senator Barnes moved that the Speaker appoint a Conference Committee to meet with a like committee from the House to resolve the differences between the two Bodies on **Senate Bill No. 1471**, which motion prevailed.

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

**APPOINTMENT OF SELECT COMMITTEE
CONFERENCE COMMITTEE
ON
SENATE BILL NO. 1471**

The Speaker announced the appointment of a Conference Committee composed of Senators Barnes, Chairperson; Gresham and Tracy to confer with a like committee from the House to resolve the differences of the two Bodies on Senate Bill No. 1471.

MOTION

Senator Faulk moved that Rule 19 and Rule 38 be suspended for the purpose of making and considering Consent Calendar No. 1 consisting of the following resolutions: **Senate Joint Resolutions Nos. 893 and 927**; and **House Joint Resolutions Nos. 870, 960, 1093, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1150, 1151, 1152, 1153, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180 and 1181**, which motion prevailed.

MOTION

Senator Faulk moved that **House Joint Resolution No. 1152** be rereferred to the Committee on Calendar, which motion prevailed.

CONSENT CALENDAR NO. 1

Objections having been raised, the following bill was placed at the heel of the calendar for Tuesday, May 1, 2012, pursuant to Rule 38: **House Joint Resolution No. 870**.

Senate Joint Resolution No. 893 -- Naming and Designating -- Designates the Cumberland Ballroom of the DoubleTree Nashville Hotel the Honorary State Capitol for the 43rd General Assembly of the Tennessee Intercollegiate State Legislature.

Senate Joint Resolution No. 927 -- Memorials, Recognition -- Edmund Ford, Jr.

House Joint Resolution No. 960 -- Memorials, Recognition -- Women's Heart Health Initiative.

House Joint Resolution No. 1093 -- Memorials, Recognition -- Remembers the events of 1975 when Speaker Emeritus Jimmy Naifeh became a member of the Tennessee House of Representatives.

House Joint Resolution No. 1141 -- Memorials, Academic Achievement -- Kaitlin Carter, Salutatorian, Merrol Hyde Magnet School.

House Joint Resolution No. 1142 -- Memorials, Recognition -- Remembers the events of 1975 when Speaker Emeritus Jimmy Naifeh became a member of the Tennessee House of Representatives.

House Joint Resolution No. 1143 -- Memorials, Recognition -- SSG LaWanda Lollar, Tennessee National Guard.

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

House Joint Resolution No. 1144 -- Memorials, Academic Achievement -- Emily Marsh, Valedictorian, Merrol Hyde Magnet School.

House Joint Resolution No. 1145 -- Memorials, Academic Achievement -- Ashton Daniel, Salutatorian, Merrol Hyde Magnet School.

House Joint Resolution No. 1146 -- Memorials, Academic Achievement -- Amy Fottrell, Salutatorian, Merrol Hyde Magnet School.

House Joint Resolution No. 1147 -- Memorials, Academic Achievement -- Shelbi Bertsch, Salutatorian, Merrol Hyde Magnet School.

House Joint Resolution No. 1148 -- Memorials, Academic Achievement -- Mara Thompson, Salutatorian, Merrol Hyde Magnet School.

House Joint Resolution No. 1150 -- Memorials, Academic Achievement -- Derquazia Smartt, Valedictorian, Howard School of Academics and Technology.

House Joint Resolution No. 1151 -- Memorials, Interns -- Daniel Raphael Patterson.

House Joint Resolution No. 1153 -- Memorials, Recognition -- Rhodes College and Cypress Middle School students featured in documentary *Far Away Next Door*.

House Joint Resolution No. 1155 -- Memorials, Academic Achievement -- Amber Carpenter, Valedictorian, Memphis Health Careers Academy.

House Joint Resolution No. 1156 -- Memorials, Personal Occasion -- Rebecca Evans Johnson, 80th birthday.

House Joint Resolution No. 1157 -- Memorials, Professional Achievement -- Dale Keasling, Junior Achievement of East Tennessee Business Hall of Fame.

House Joint Resolution No. 1158 -- Memorials, Death -- Mary Alice Johnson Gandy.

House Joint Resolution No. 1159 -- Memorials, Recognition -- Kimberlee Morton.

House Joint Resolution No. 1160 -- Memorials, Academic Achievement -- Tojuan Reed.

House Joint Resolution No. 1161 -- Memorials, Retirement -- Colonel Bishop Mays.

House Joint Resolution No. 1162 -- Memorials, Personal Achievement -- Kevin Jones, Eagle Scout.

House Joint Resolution No. 1163 -- Memorials, Recognition -- LeMoyne-Owen College Sesquicentennial.

House Joint Resolution No. 1164 -- Memorials, Retirement -- Norma A. Mathis.

House Joint Resolution No. 1165 -- Memorials, Academic Achievement -- Taylor Morgan Thomas, Salutatorian, Westmoreland High School.

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

House Joint Resolution No. 1166 -- Memorials, Academic Achievement -- Kristen Mikayla Ray, Valedictorian, Westmoreland High School.

House Joint Resolution No. 1167 -- Memorials, Academic Achievement -- James W. Kemp, Valedictorian, Westmoreland High School.

House Joint Resolution No. 1168 -- Memorials, Academic Achievement -- Michaela Marie Briley, Valedictorian, Westmoreland High School.

House Joint Resolution No. 1169 -- Memorials, Academic Achievement -- Hannah Ruth Borders, Valedictorian, Westmoreland High School.

House Joint Resolution No. 1170 -- Memorials, Academic Achievement -- Kelsey Gregory, Valedictorian, Westmoreland High School.

House Joint Resolution No. 1171 -- Memorials, Academic Achievement -- Kierra R. Jamerson, Valedictorian, East High School.

House Joint Resolution No. 1172 -- Memorials, Academic Achievement -- Kedarius A. Austin, Salutatorian, East High School.

House Joint Resolution No. 1173 -- Memorials, Academic Achievement -- Bianca Denise Fair, Salutatorian, Hamilton High School.

House Joint Resolution No. 1174 -- Memorials, Academic Achievement -- Darwin Dauine Denton, Valedictorian, Hamilton High School.

House Joint Resolution No. 1175 -- Memorials, Academic Achievement -- Rikee Rehsa McGrone, Salutatorian, Memphis Academy of Health Sciences.

House Joint Resolution No. 1176 -- Memorials, Academic Achievement -- Chrishunna Janese Coleman, Valedictorian, Memphis Academy of Health Sciences.

House Joint Resolution No. 1177 -- Memorials, Public Service -- Reta Adams.

House Joint Resolution No. 1178 -- Memorials, Public Service -- St. Jude Children's Research Hospital, 50th anniversary.

House Joint Resolution No. 1179 -- Memorials, Personal Occasion -- Gary and Libbie Suter, 50th wedding anniversary.

House Joint Resolution No. 1180 -- Memorials, Personal Occasion -- Frances Juanita Potter Rueta, 80th birthday.

House Joint Resolution No. 1181 -- Memorials, Recognition -- Bancroft Bible Camp, 75th anniversary.

Senator Faulk moved that all Senate Joint Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

Ayes 29
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tate, Tracy, Watson and Mr. Speaker Ramsey--29.

A motion to reconsider was tabled.

MOTION

Senator Faulk moved that Rule 19 and Rule 38 be suspended for the purpose of making and considering Consent Calendar No. 2 consisting of the following resolutions: **House Joint Resolutions Nos. 791, 816, 863, 872, 980, 1017 and 1055**, which motion prevailed.

CONSENT CALENDAR NO. 2

House Joint Resolution No. 791 -- Highway Signs -- Cannon County Veterans Memorial Bridge, State Route 1 in Cannon County.

House Joint Resolution No. 816 -- Naming and Designating -- Designates an official Tennessee War of 1812 Bicentennial Commission.

House Joint Resolution No. 863 -- Highway Signs -- "Sheriff Dorris Weakley Memorial Bridge", State Route 12 in Cheatham County.

House Joint Resolution No. 872 -- Highway Signs -- "Razor John 'Doc' Campbell Memorial Bridge", State Route 91 in Carter County.

House Joint Resolution No. 980 -- Highway Signs -- "Scott James Brown Memorial Bridge", State Route 62 in Morgan County.

House Joint Resolution No. 1017 -- Highway Signs -- "John Roberts Parkway", extension of State Route 84 in Livingston.

House Joint Resolution No. 1055 -- Highway Signs -- "Ltc. Everette B. Crumpler III Memorial Highway", segment of Highway 104 in Gibson County.

Senator Faulk moved that all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes 29
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tate, Tracy, Watson and Mr. Speaker Ramsey--29.

A motion to reconsider was tabled.

MOTION

Senator Faulk moved that Rule 19 and Rule 37 be suspended for the purpose of making and considering the Calendar consisting of the following bills: **Senate Bills Nos. 233 and 3142**, which motion prevailed.

CALENDAR

Senate Bill No. 233 -- Administrative Procedure (UAPA) -- As introduced, increases from five to 10 the number of persons required to petition agency for adoption or repeal of regulation. Amends TCA Title 4.

On motion, Senate Bill No. 233 was made to conform with **House Bill No. 651**.

On motion, House Bill No. 651, on same subject, was substituted for Senate Bill No. 233.

On motion of Senator Watson, Amendment No. 1 was withdrawn.

Senator Watson moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____ Tennessee Code Annotated, Section 4-3-1013, is amended by deleting subsection (f) in its entirety and by substituting instead the following:

(f) The TennCare Bureau shall be required to annually report to the House Health and Human Resources Committee and the Senate Health and Welfare Committee concerning pharmacy benefits under the medical assistance program provided pursuant to Title 71, Chapter 5, on or before January 15th of each calendar year, beginning on January 15, 2013. The report shall specifically report on the use and cost of opioids and other controlled substances in the program.

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 651**, as amended, passed its third and final consideration by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

Senate Bill No. 3142 -- Public Funds and Financing -- As introduced, requires commutation of compensation for exonerated persons to lump sum upon request. Amends TCA Title 9, Chapter 8, Part 1.

On motion, Senate Bill No. 3142 was made to conform with **House Bill No. 3671**.

On motion, House Bill No. 3671, on same subject, was substituted for Senate Bill No. 3142.

On motion of Senator Marrero, Amendment No. 1 was withdrawn.

On motion of Senator Marrero, Amendment No. 2 was withdrawn.

Thereupon, **House Bill No. 3671** passed its third and final consideration by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

House Joint Resolution No. 870 -- General Assembly, Statement of Intent or Position -- Expresses desire of general assembly to see monument honoring David Crockett erected at prominent location on grounds of state capitol.

House Joint Resolution No. 870 was concurred in by the following vote:

Ayes 29
Noes 0

Senators voting aye were: Beavers, Bell, Berke, Burks, Campfield, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tracy, Watson, Yager and Mr. Speaker Ramsey--29.

A motion to reconsider was tabled.

MOTION

Senator Faulk moved that Rule 19 and Rule 40 be suspended for the purpose of making and considering Message Calendar No. 2 consisting of the following bills: **Senate Bills Nos. 326, 1325, 1493, 1738, 2247, 2267, 2302, 3145 and 3350**; and **House Bills Nos. 2774 and 2982**, which motion prevailed.

MESSAGE CALENDAR NO. 2

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 326 -- Health Care -- As introduced, enacts the Health Care Compact. Amends TCA Title 4; Title 33; Title 63; Title 68 and Title 71.

HOUSE AMENDMENT NO. 2

AMEND by deleting all language after the caption and by substituting instead the following:

Whereas, the separation of powers, both between the branches of the Federal government and between Federal and State authority, is essential to the preservation of individual liberty;

Whereas, the Constitution creates a Federal government of limited and enumerated powers, and reserves to the States or to the people those powers not granted to the Federal government;

Whereas, the Federal government has enacted many laws that have preempted State laws with respect to Health Care, and placed increasing strain on State budgets, impairing other responsibilities such as education, infrastructure, and public safety;

Whereas, the Member States seek to protect individual liberty and personal control over Health Care decisions, and believe the best method to achieve these ends is by vesting regulatory authority over Health Care in the States;

Whereas, by acting in concert, the Member States may express and inspire confidence in the ability of each Member State to govern Health Care effectively; and

Whereas, the Member States recognize that consent of Congress may be more easily secured if the Member States collectively seek consent through an interstate compact; and

Whereas, the Member States hereto resolve, and by the adoption into law under their respective State Constitutions of this Health Care Compact; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 1, is amended by adding the following language as a new part:

68-1-2501. This part shall be known and may be cited as the "Health Care Compact".

68-1-2502. By this part, Tennessee shall become a party to the health care compact in accordance with the terms of the compact. "Compact" means the health care compact. The compact is as follows:

Section 1. Definitions. As used in this Compact, unless the context clearly indicates otherwise:

(1) "Commission" means the Interstate Advisory Health Care Commission.

(2) "Effective Date" means the date upon which this Compact shall become effective for purposes of the operation of State and Federal law in a Member State, which shall be the later of:

(A) The date upon which this Compact shall be adopted under the laws of the Member State, and

(B) The date upon which this Compact receives the consent of Congress pursuant to Article I, Section 10, of the United States Constitution, after at least two Member States adopt this Compact.

(3) "Health Care" means care, services, supplies, or plans related to the health of an individual and includes, but is not limited to:

(A) Preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care and counseling, service, assessment, or procedure with respect to the physical or mental condition or functional status of an individual or that affects the structure or function of the body, and

(B) Sale or dispensing of a drug, device, equipment, or other item in accordance with a prescription, and

(C) An individual or group plan that provides, or pays the cost of, care, services, or supplies related to the health of an individual, except any care, services, supplies, or plans provided by the United States Department of Defense and United States Department of Veterans Affairs, or provided to Native Americans.

(4) "Member State" means a State that is signatory to this Compact and has adopted it under the laws of that State.

(5) "Member State Base Funding Level" means a number equal to the total Federal spending on Health Care in the Member State during Federal fiscal year 2010. On or before the Effective Date, each Member State shall determine the Member State Base Funding Level for its State, and that number shall be binding upon that Member State. The preliminary estimate of Member State Base Funding Level for the State of Tennessee is \$21,840,000,000.

(6) "Member State Current Year Funding Level" means the Member State Base Funding Level multiplied by the Member State Current Year Population Adjustment Factor multiplied by the Current Year Inflation Adjustment Factor.

(7) "Member State Current Year Population Adjustment Factor" means the average population of the Member State in the current year less the average population of the Member State in Federal fiscal year 2010, divided by the average population of the Member State in Federal fiscal year 2010, plus 1. Average population in a Member State shall be determined by the United States Census Bureau.

(8) "Current Year Inflation Adjustment Factor" means the Total Gross Domestic Product Deflator in the current year divided by the Total Gross Domestic Product Deflator in Federal fiscal year 2010. Total Gross Domestic Product Deflator shall be determined by the Bureau of Economic Analysis of the United States Department of Commerce.

Section 2. Pledge. The Member States shall take joint and separate action to secure the consent of the United States Congress to this Compact in order to return the authority to regulate Health Care to the Member States consistent with the goals and principles articulated in this Compact. The Member States shall improve Health Care policy within their respective jurisdictions and according to the judgment and discretion of each Member States.

Section 3. Legislative Power. The legislatures of the Member States have the primary responsibility to regulate Health Care in their respective States.

The Health Care Compact

Section 4. State Control. Each Member State, within its State, may suspend by legislation the operation of all federal laws, rules, regulations, and orders regarding Health Care that are inconsistent with the laws and regulations adopted by the Member State pursuant to this Compact. Federal and State laws, rules, regulations, and orders regarding Health Care will remain in effect unless a Member State expressly suspends them pursuant to its authority under this Compact. For any federal law, rule, regulation, or order that remains in effect in a Member State after the Effective Date, that Member State shall be responsible for the associated funding obligations in its State.

Section 5. Funding.

(a) Each Federal fiscal year, each Member State shall have the right to Federal monies up to an amount equal to its Member State Current Year Funding Level for that Federal fiscal year, funded by Congress as mandatory spending and not subject to annual appropriation, to support the exercise of Member State authority under this Compact. This funding shall not be conditional on any action of or regulation, policy, law, or rule being adopted by the Member State.

(b) By the start of each Federal fiscal year, Congress shall establish an initial Member State Current Year Funding Level for each Member State, based upon reasonable estimates. The final Member

State Current Year Funding Level shall be calculated, and funding shall be reconciled by the United States Congress based upon information provided by each Member State and audited by the United States Government Accountability Office.

Section 6. Interstate Advisory Health Care Commission.

(a) The Interstate Advisory Health Care Commission is established. The Commission consists of members appointed by each Member State through a process to be determined by each Member State. A Member State may not appoint more than two members to the Commission and may withdraw membership from the Commission at any time. Each Commission member is entitled to one vote. The Commission shall not act unless a majority of the members are present, and no action shall be binding unless approved by a majority of the Commission's total membership.

(b) The Commission may elect from among its membership a Chairperson. The Commission may adopt and publish bylaws and policies that are not inconsistent with this Compact. The Commission shall meet at least once a year, and may meet more frequently.

(c) The Commission may study issues of Health Care regulation that are of particular concern to the Member States. The Commission may make non-binding recommendations to the Member States. The legislatures of the Member States may consider these recommendations in determining the appropriate Health Care policies in their respective States.

(d) The Commission shall collect information and data to assist the Member States in their regulation of Health Care, including assessing the performance of various State Health Care programs and compiling information on the prices of Health Care. The Commission shall make this information and data available to the legislatures of the Member States. Notwithstanding any other provision in this Compact, no Member State shall disclose to the Commission the health information of any individual, nor shall the Commission disclose the health information of any individual.

(e) The Commission shall be funded by the Member States as agreed to by the Member States. The Commission shall have the responsibilities and duties as may be conferred upon it by subsequent action of the respective legislatures of the Member States in accordance with the terms of this Compact.

(f) The Commission shall not take any action within a Member State that contravenes any State law of that Member State.

Section 7. Congressional Consent. This Compact shall be effective on its adoption by at least two Member States and consent of the United States Congress. This Compact shall be effective unless the United States Congress,

in consenting to this Compact, alters the fundamental purposes of this Compact, which are:

(a) To secure the right of the Member States to regulate Health Care in their respective States pursuant to this Compact and to suspend the operation of any conflicting federal laws, rules, regulations, and orders within their States; and

(b) To secure Federal funding for Member States that choose to invoke their authority under this Compact, as prescribed by Section 5 above.

Section 8. Amendments. The Member States, by unanimous agreement, may amend this Compact from time to time without the prior consent or approval of Congress and any amendment shall be effective unless, within one year, the Congress disapproves that amendment. Any State may join this Compact after the date on which Congress consents to the Compact by adoption into law under its State Constitution.

Section 9. Withdrawal; Dissolution. Any Member State may withdraw from this Compact by adopting a law to that effect, but no such withdrawal shall take effect until six months after the Governor of the withdrawing Member State has given notice of the withdrawal to the other Member States. A withdrawing State shall be liable for any obligations that it may have incurred prior to the date on which its withdrawal becomes effective. This Compact shall be dissolved upon the withdrawal of all but one of the Member States.

68-1-2503. Notwithstanding any provision of § 68-1-2502 to the contrary, no state or federal funds shall be expended to participate in the Interstate Advisory Health Care Commission and Tennessee shall not be liable, nor shall such liability accrue, for any administrative and operational costs of the compact or commission from the effective date of this act until such time as the conditions of § 68-1-2504 are satisfied.

68-1-2504. Notwithstanding any provision of § 68-1-2502 to the contrary, no federal funds shall be expended pursuant to this part, nor shall Federal administration and regulation of health care in this state cease pursuant to this part, until the following conditions are satisfied:

(1) Congress consents to state regulatory autonomy over health care in a manner consistent with Section 7 of the compact;

(2) The general assembly enacts by law a sufficient administrative framework to provide effective and efficient state administration and regulation over health care; and

(3) A specific appropriation for participation in the Interstate Advisory Health Care Commission and recognition of any increased Federal funding is included in the annual appropriations act for any fiscal year beginning on July 1 subsequent to the conditions of subdivisions (1) and (2) being satisfied. For

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

purposes of this subdivision (3), "participation" includes, but is not limited to, any administrative or operational costs of the compact or commission that may be apportioned to Tennessee as a member of the compact.

SECTION 2. Tennessee Code Annotated, Section 4-29-235(a), is amended by adding a new subdivision thereto, as follows:

() Health care compact, created by § 68-1-2601;

SECTION 3. This act shall take effect upon becoming law, the public welfare requiring it.

Senator Beavers moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 326**, which motion prevailed by the following vote:

Ayes 19
Noes 10

Senators voting aye were: Beavers, Bell, Campfield, Faulk, Gresham, Henry, Johnson, Kelsey, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--19.

Senators voting no were: Barnes, Berke, Finney, Ford, Harper, Haynes, Herron, Kyle, Marrero and Stewart--10.

A motion to reconsider was tabled.

HOUSE AMENDMENT NO. 4

AMEND by adding the following new section to Section 1 of the bill:

68-1-25__.

Tennessee, acting in concert as a Member State, shall not participate in this Compact, if participation includes expanding abortion rights, specifically, late term abortions.

Senator Beavers moved that the Senate nonconcur in House Amendment No. 4 to **Senate Bill No. 326**, which motion prevailed.

HOUSE AMENDMENT NO. 7

AMEND by adding the following as a new Section 10 to the end of § 68-1-2601 of the amendatory language of Section 1:

Section 10. Notwithstanding any other provision of this compact, in the event the State of Tennessee joins this compact, no provision of this compact shall authorize or in any manner permit the State of Tennessee from taking any action that would diminish, dilute or any manner abridge the rights and benefits of veterans under any health care programs affecting veterans, as such programs exist on the effective date of this act.

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

Senator Beavers moved that the Senate nonconcur in House Amendment No. 7 to **Senate Bill No. 326**, which motion prevailed.

HOUSE AMENDMENT NO. 8

AMEND by adding the following as a new Section 10 to the end of § 68-1-2601 of the amendatory language of Section 1:

Section 10. Notwithstanding any other provision of this compact, in the event the State of Tennessee joins this compact, no provision of this compact shall authorize or in any manner permit the State of Tennessee from taking any action that would diminish, dilute or any manner abridge the rights and benefits of elder and other citizens under Medicaid or TennCare as such programs exist on the effective date of this act.

Senator Beavers moved that the Senate nonconcur in House Amendment No. 8 to **Senate Bill No. 326**, which motion prevailed.

HOUSE AMENDMENT NO. 9

AMEND by adding the following as a new Section 10 to the end of § 68-1-2601 of the amendatory language of Section 1:

Section 10. Notwithstanding any other provision of this compact, in the event the State of Tennessee joins this compact, no provision of this compact shall authorize or in any manner permit the State of Tennessee from taking any action that would diminish, dilute or any manner abridge the rights and benefits of elder citizens under Medicare as such program exists on the effective date of this act.

Senator Beavers moved that the Senate nonconcur in House Amendment No. 9 to **Senate Bill No. 326**, which motion prevailed.

HOUSE AMENDMENT NO. 10

AMEND by deleting the first sentence of Section 1 in the original bill as follows:

By this part, Tennessee shall become a party to the health care compact in accordance with the terms of the compact. "Compact" means the health care compact.

and by substituting instead

By this part, Tennessee may become a party to the health care compact in accordance with the terms of the compact. "Compact" means the health care compact.

Senator Beavers moved that the Senate nonconcur in House Amendment No. 10 to **Senate Bill No. 326**, which motion prevailed.

HOUSE AMENDMENT NO. 5

AMEND by adding the following new section to Section 1 of the bill:

68-1-25__.

Tennessee, acting in concert as a Member State, shall not participate in this Compact, if participation includes the adoption of any United Nations (UN) Health Plans.

Senator Beavers moved that the Senate nonconcur in House Amendment No. 5 to **Senate Bill No. 326**, which motion prevailed.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 1325 -- Immigration -- As introduced, enacts the "Eligibility Verification for Entitlements Act". Amends TCA Title 4; Title 68 and Title 71.

HOUSE AMENDMENT NO. 2

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 4, is amended by adding the following language as a new, appropriately designated chapter:

4-57-101. This chapter shall be known and may be cited as the "Eligibility Verification for Entitlements Act".

4-57-102. It is the public policy of this state and the purpose of this chapter that state governmental entities and local health departments shall verify that an applicant eighteen (18) years of age or older applying for a federal, state or local benefit meets all eligibility requirements for such benefit, including lawful presence as applicable.

4-57-103. As used in this chapter:

(1) "Federal public benefit" has the same meaning as provided in 8 U.S.C. § 1611;

(2) "SAVE program" means the systematic alien verification for entitlements program created pursuant to the federal Immigration Reform and Control Act of 1986 and operated by the United States Department of Homeland Security, or any successor program thereto; and

(3) "State or local public benefit" means any public benefit as described in 8 U.S.C. § 1621 that is provided or administered by a state governmental entity, not including a political subdivision except for a local health department.

4-57-104.

(a) Notwithstanding any other law and except where prohibited by federal law, every state governmental entity and local health department shall verify the eligibility of each applicant eighteen (18) years of age or older who applies for a federal, state or local public benefit from the entity or local health department in the manner provided in this chapter.

(b)(1) As provided in subdivision (b)(2), every state governmental entity or local health department shall include on all forms, electronic or otherwise, and all automated phone systems, a written or verbal statement:

(A) Requiring an applicant for a federal, state or local public benefit to, under penalty of perjury, attest to the applicant's eligibility status for said benefit as either:

(i) A United States citizen; or

(ii) A qualified alien as defined by 8 U.S.C. § 1641(b).

(B) Describing the penalties for violations of this chapter.

(2) Subdivision (b)(1) shall take effect upon the entity's or local health department's first reprinting of applicable forms or updating of the electronic or automated phone systems described in subdivision (b)(1) that occurs after the effective date of this act.

(c) For an applicant who claims eligibility based upon United States citizenship, the entity or local health department shall make every reasonable effort to ascertain verification of the applicant's citizenship, which may include requesting the applicant to present any one (1) of the following:

(1)(A) A valid Tennessee driver license or photo identification license issued by the Department of Safety; or

(B) A valid driver license or photo identification license from another state where the issuance requirements are at least as strict as those in Tennessee, as determined by the Department of Safety;

(2) An official birth certificate issued by a U.S. state, jurisdiction or territory, including Puerto Rico, U.S. Virgin Islands, Northern Mariana Islands, American Samoa, Swains Island, Guam; provided, that Puerto Rican birth certificates issued before July 1, 2010, shall not be recognized under this subdivision (c)(2);

(3) A U.S. government-issued certified birth certificate;

(4) A valid, unexpired U.S. passport;

(5) A U.S. certificate of birth abroad (DS-1350 or FS-545);

(6) A report of birth abroad of a citizen of the U.S. (FS-240);

(7) A certificate of citizenship (N560 or N561);

(8) A certificate of naturalization (N550, N570 or N578);

(9) A U.S. citizen identification card (I-197, I-179); or

(10) Any successor document of subdivisions (c)(4)-(8); or

(11) A social security number that the entity or local health department may verify with the Social Security Administration in accordance with federal law.

(d)(1) For an applicant who claims eligibility as a qualified alien, the applicant shall present two (2) forms of documentation of identity and immigration status, as determined by the United States Department of Homeland Security to be acceptable for verification through the SAVE program; provided, no entity or local health department is required to verify such applicant's documents through the SAVE program if two (2) such documents are presented unless otherwise required by federal law.

(2) If an applicant who claims eligibility as a qualified alien is unable to present two (2) forms of documentation as described in subdivision (d)(1), then the applicant shall present at least one (1) such document that the entity or local health department shall then verify through the SAVE program.

(e) Each state governmental entity or local health department shall maintain a copy of all documentation submitted by an applicant for verification in a manner consistent with the entity's or local health department's rules, regulations or policies governing storage or preservation of such documentation.

(f)(1) Any document submitted pursuant to subsections (c) or (d) shall be presumed to be proof of an individual's eligibility under this chapter until a final verification is received by the state governmental entity or local health department, and no entity or local health department shall delay the distribution of any federal, state or local benefit based solely on the pendency of final verification.

(2) Upon receipt of a final verification that indicates that the applicant is not a United States citizen or qualified alien, the state governmental entity or local health department shall terminate any recurring benefit, and shall pursue any action applicable against the applicant pursuant to § 4-57-105 or § 4-57-106.

(g) Verification through the SAVE program is not required:

(1) For any federal public benefit that does not require lawful presence in the United States as an eligibility requirement pursuant to 8 U.S.C. § 1611;

(2) For any state or local benefit listed in 8 U.S.C. § 1621(b);

(3) For prenatal care administered by the Department of Health; or

(4) For the Special Supplemental Food Program for Women, Infants and Children administered by the Department of Health.

(h) The verification process required by this section shall be enforced without regard to race, religion, gender, ethnicity or national origin.

4-57-105.

(a) Any natural person eighteen (18) years of age or older who knowingly and willfully makes a false, fictitious or fraudulent statement or representation in terms of verifying eligibility under this chapter shall be liable under either:

(1) The Tennessee Medicaid False Claims Act, compiled in §§ 71-5-181—71-5-185; or

(2) The False Claims Act, compiled in Chapter 18 of this title.

(b) Any natural person who conspires to defraud the state or any local health department by securing a false claim allowed or paid to another person in violation of this chapter shall be liable under § 4-18-103(a)(3).

(c) A state governmental entity or local health department shall file, with the attorney general and reporter of this state, a complaint alleging a violation of subsections (a) or (b), as applicable.

(d) Any monies collected pursuant to this section shall be deposited with and utilized by the applicable entity or local health department that filed a complaint pursuant to subsection (c). The applicable entity or local health department shall establish a fund for the deposit of such monies, and shall use such monies for the sole purpose of enforcing this chapter. Any interest accruing on investments and deposits of the fund shall be credited to such fund, shall not revert to any general fund, and shall be carried forward into each subsequent fiscal year.

4-57-106. A state governmental entity or local health department shall file, with the United States attorney, a complaint alleging a criminal violation of 18 U.S.C. § 911, for each person who willfully makes a false, fictitious or fraudulent statement or representation of United States citizenship.

4-57-107.

(a) No state governmental entity or local health department shall provide or offer to provide any federal, state or local public benefit in violation of this chapter.

(b) Each entity and local health department, subject to this chapter, shall include in any annual report to the general assembly as required by law, a report of its compliance with this chapter through June 30 of each year.

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

4-57-108. Unless otherwise provided by federal law, no state governmental entity or local health department shall be prohibited, or in any way restricted, from sending to or receiving from the Immigration and naturalization service information regarding the immigration status, lawful or unlawful, of an alien in the United States.

4-57-109. This chapter shall be interpreted consistently with all federal laws, including, but not limited to, federal laws regulating immigration, labor, and Medicaid, and all state laws.

4-57-110. Nothing in this chapter shall be interpreted as limiting a state governmental entity or local health department in regards to the application process currently utilized by the entity or local health department for administering a federal, state or local public benefit, including, but not limited to, requesting additional information from the applicant or requiring additional verification of eligibility.

SECTION 2. Tennessee Code Annotated, Section 4-18-103(d), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(d) This section does not apply to any controversy involving an amount of less than five hundred dollars (\$500) in value, unless the controversy arose from a violation of Chapter 57, Part 1 of this title. For purposes of this subsection (d), "controversy" means any one (1) or more false claims submitted by the same person in violation of this chapter.

SECTION 3. All affected state governmental entities are authorized to promulgate rules and regulations to effectuate the purposes of this act. All rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. For purposes of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect October 1, 2012, the public welfare requiring it, and shall apply to all applications for benefits submitted to state governmental entities or local health departments on or after October 1, 2012.

Senator Johnson moved that the Senate nonconcur in House Amendment No. 2 to **Senate Bill No. 1325**, which motion prevailed.

HOUSE AMENDMENT NO. 3

AMEND by adding the following language as a new, appropriately designated section in Chapter 57 in Section 1:

4-57-111. This chapter shall not apply to:

(1) Any person applying for benefits who:

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

(A) Lacks the mental capacity to commit perjury under oath; and

(B) Has not been judicially appointed a guardian or conservator; and

(2) Legal services provided by a district public defender, court-appointed counsel, or other counsel for indigent services.

Senator Johnson moved that the Senate nonconcur in House Amendment No. 3 to **Senate Bill No. 1325**, which motion prevailed.

HOUSE AMENDMENT NO. 5

AMEND by adding the following language at the end of § 4-57-110 in Section 1 of the bill:

Provided, however, the state shall defray the cost of verifying each applicant's eligibility status for a benefit from a local health department.

Senator Johnson moved that the Senate nonconcur in House Amendment No. 5 to **Senate Bill No. 1325**, which motion prevailed.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 1493 -- Alcoholic Beverage Commission -- As introduced, removes annual compensation for members of the commission; allows commission to assess costs for administrative hearings. Amends TCA Title 57.

HOUSE AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 57-3-704, is amended by deleting subdivisions (1) and (2) in their entirety and by substituting instead the following language:

(1) The applicant has not been convicted of a felony, other than a felony related to a crime described in subdivision (2)(A), within the previous four (4) years;

(2)(A) The applicant has not been convicted of any crime relating to alcoholic beverages and beer, other than related to the sale of such beverages, schedules 1 and 2 controlled substances or any sex-related crime or embezzlement within the previous eight (8) years; or

(B) The applicant has not been convicted of any crime relating to the sale of alcoholic beverages or beer:

(i) Occurring within twelve (12) months prior to the date of the application, for a first offense; and

(ii) Occurring within four (4) years prior to the date of the application, for a second or subsequent offense.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Marrero moved that the Senate nonconcur in House Amendment No. 1 to **Senate Bill No. 1493** which motion prevailed.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 1738 -- Tobacco, Tobacco Products -- As introduced, deletes the requirement that the Commissioner of Revenue disclose information to the attorney general relevant to enforcement of the "Tobacco Manufacturers Escrow Fund Act of 1999"; removes authority for attorney general to disclose such information in the course of litigation. Amends TCA Title 39; Title 43 and Title 67.

HOUSE AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-4-1001(2), is amended by adding the following language at the end of the subdivision:

. "Cigarette" includes any cigarette produced by a cigarette rolling machine at a retail establishment;

SECTION 2. Tennessee Code Annotated, Section 67-4-1001, is amended by adding the following language as new, appropriately designated subdivisions:

() "Cigarette rolling machine" means a machine at a retail establishment that enables any person to process at that establishment tobacco or any product that is made or derived from tobacco into a roll or tube. "Cigarette rolling machine" does not mean any hand-held, manually operated cigarette rolling machine, equipment, or device, if such machine, equipment, or device is held by the retail establishment solely for the sale to consumers for off-premises use in making cigarettes for personal consumption;

() "Cigarette rolling machine operator" means a person that purchases or leases for use, or controls, possesses or maintains, a cigarette rolling machine at a retail establishment that enables any person to process at that establishment tobacco or any product that is made or derived from tobacco into a roll or tube. A cigarette rolling machine operator is deemed to be a tobacco distributor for purposes of this part;

() "Loose tobacco" means tobacco that is not contained in rolls or tubes and that has been removed from its original packaging;

SECTION 3. Tennessee Code Annotated, Section 67-4-1006(a)(1), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(1) The tax imposed by this part shall be paid by the purchase of stamps from the commissioner of such design or denomination as may be prescribed by the commissioner, except that reconciliation payments of taxes on cigarettes made by cigarette rolling machine operators shall be paid in the time and manner prescribed by § 67-4-1031.

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

SECTION 4. Tennessee Code Annotated, Section 67-4-1011, is amended by adding the following language as a new, appropriately designated subsection:

() A cigarette rolling machine operator must keep records both of tobacco sold for use in the operator's cigarette rolling machine and of any cigarettes made from such tobacco through use of the cigarette rolling machine.

SECTION 5. Tennessee Code Annotated, Section 67-4-1012(a), is amended by adding the following language at the end of the subsection:

Every cigarette rolling machine operator shall permit the commissioner or the commissioner's authorized agent to inspect the operator's cigarette rolling machine at any time.

SECTION 6. Tennessee Code Annotated, Section 67-4-1015(c)(1), is amended by adding the following language as a new, appropriately designated subdivision:

() Cigarette rolling machine operator — Five hundred dollars (\$500) for each cigarette rolling machine purchased or leased for use, or controlled, possessed or maintained by the cigarette machine operator;

SECTION 7. Tennessee Code Annotated, Title 67, Chapter 4, Part 10, is amended by adding the following language as a new section:

67-4-1031. Reconciliation of tax on cigarettes produced by cigarette rolling machines.

A tax shall be levied on the consumer of cigarettes produced through the use of a cigarette rolling machine at the rate imposed by § 67-4-1004, except that § 67-4-1004(b) shall not apply to such cigarettes. Such tax shall be reduced by the amount of state excise tax paid by the cigarette rolling machine operator pursuant to § 67-4-1005 for the purchase of tobacco products used to produce such cigarettes. A cigarette rolling machine operator shall calculate the amount of tax applicable to the cigarettes produced through the use of a cigarette rolling machine and shall remit such amount to the department with the requisite tax forms.

SECTION 8. Tennessee Code Annotated, Title 67, Chapter 4, Part 10, is amended by inserting the following language as new sections:

67-4-1032. Cigarette rolling machine operators.

(a) On and after January 1, 2014, no cigarette rolling machine operator shall:

(1) Use, offer for use, or allow to be used in its cigarette rolling machines any tobacco other than roll-your-own tobacco that is currently listed on the directory maintained by the commissioner pursuant to § 67-4-2602;

(2) Possess any loose tobacco other than roll-your-own tobacco that is currently listed on the directory maintained by the commissioner pursuant to § 67-4-2602;

(3) Possess more than sixteen (16) ounces per cigarette rolling machine of loose tobacco of any brand within a directory-approved roll-your-own brand family at any given time; or

(4) Accept or allow the operator's cigarette rolling machine to be used to process cigarettes with tobacco that was not first purchased or obtained from the cigarette rolling machine operator.

(b)(1) Any cigarette rolling machine purchased or leased for use, or controlled, possessed or maintained by a cigarette rolling machine operator must contain a secure meter that:

(A) Counts the number of cigarettes made, manufactured, or fabricated by the machine; and

(B) Cannot be altered by the cigarette rolling machine operator.

(2) Upon request by the commissioner, a cigarette rolling machine operator shall provide the information contained on the secure meter. The cigarette rolling machine operator shall maintain the information contained on the secure meter for a period of seven (7) years from the date of each transaction.

(c) In addition to or in lieu of any other civil or criminal remedy provided by law:

(1) The commissioner may revoke or suspend a license issued to a cigarette rolling machine operator under this part if the cigarette rolling machine operator has violated this section, or any rule adopted pursuant to this section, as provided by § 67-4-1016 and in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5; and

(2) For each violation of this section, or any rule adopted pursuant to this section, the commissioner may impose a civil penalty in an amount not to exceed the greater of five hundred percent (500%) of the retail value of the tobacco that is sold, offered for sale, or possessed for sale in violation of this section or five thousand dollars (\$5,000). Such penalty shall be imposed in the manner provided by § 67-4-1015 and in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

(d) Any tobacco that has been sold, offered for sale, or possessed for sale by the cigarette rolling machine operator in violation of this section shall be deemed contraband and is subject to seizure and forfeiture by the commissioner as provided in § 67-4-1020 and § 67-4-1021.

(e) In lieu of the reporting requirements contained in § 67-4-2604(a), the commissioner may require, upon request, a cigarette rolling machine operator to submit any additional information as is necessary to enable the commissioner to determine whether a cigarette rolling machine operator is in compliance with this part.

67-4-1033.

(a) Prior to January 1, 2014, it is an offense for any person selling, leasing, or otherwise providing for use a cigarette rolling machine to fail to provide notice prior to the sale of the machine to the prospective purchaser, lessor, or user of such machine on a separate, written disclosure form the current status of the federal excise tax rate on tobacco products, including, but not limited to, pipe tobacco, and that, on and after January 1, 2014, pursuant to the provisions of this act:

(1) The products produced by the machine:

(A) Will be cigarettes for the purposes of Title 67, Chapter 4, Part 10; and

(B) Will be taxed as provided in this act; and

(2) Only tobacco included on the directory established pursuant to § 67-4-2602 will be permitted to be used in such machine.

(b) The department shall require an applicant for a cigarette rolling machine operator license under 67-4-1015(c)(1) to disclose whether the applicant received the notice required by subsection (a).

(c) A violation of subsection (a) is a Class A misdemeanor punishable by a fine only. Each failure to provide notice shall constitute a separate violation.

SECTION 9. This act shall take effect July 1, 2012, the public welfare requiring it, provided, however, that Section 3 and Section 7 shall take effect January 1, 2014, the public welfare requiring it.

Senator Johnson moved that the Senate nonconcur in House Amendment No. 1 to **Senate Bill No. 1738**, which motion prevailed.

HOUSE AMENDMENT NO. 2

AMEND by adding the following language as a new section immediately preceding the effective date section and by redesignating the effective date section accordingly:

SECTION __. On or before February 1, 2013, the Commissioner of Revenue shall report to the Finance, Ways and Means Committees of the Senate and the House of Representatives concerning cigarette rolling machine operators in this state. The report shall identify as of August 1, 2012, and January 15, 2013, the number of licensed cigarette rolling machine operators and the number of cigarette rolling machines in this state.

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

Senator Johnson moved that the Senate nonconcur in House Amendment No. 2 to **Senate Bill No. 1738**, which motion prevailed.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2247 -- Tennessee Regulatory Authority -- As introduced, changes the membership of the authority to be five part-time directors instead of four full-time directors; sets the salaries of such directors; revises other provisions regarding the authority. Amends TCA Title 65.

Senator Kyle declared Rule 13 on **Senate Bill No. 2247**.

HOUSE AMENDMENT NO. 2

AMEND by deleting the language "a bachelor's degree and" from subsection (b) of § 65-1-101 in Section 1, as amended by amendment drafting code 1596132.

Senator Faulk moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 2247**, which motion failed by the following vote:

Ayes 16
Noes 12

Senators voting aye were: Beavers, Faulk, Gresham, Johnson, Kelsey, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--16.

Senators voting no were: Berke, Campfield, Finney, Ford, Harper, Haynes, Henry, Herron, Kyle, Marrero, Stewart and Tate--12.

A motion to reconsider was tabled.

HOUSE AMENDMENT NO. 3

AMEND by adding the following language as a new subsection (d) to Section 65-1-109 of Section 9:

(d) The executive director shall submit an annual report to the general assembly comparing telecommunications, electricity, natural gas, water and wastewater utility rates between Tennessee and the southeastern states. For the purpose of reporting rates in the report, the TRA shall make comparisons on the basis of market choices made by consumers without regard to whether the services chosen are regulated or non-regulated services.

Senator Faulk moved that the Senate concur in House Amendment No. 3 to **Senate Bill No. 2247**, which motion prevailed by the following vote:

Ayes 22
Noes 7

Senators voting aye were: Beavers, Bell, Campfield, Faulk, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--22.

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

Senators voting no were: Barnes, Berke, Finney, Ford, Herron, Marrero and Stewart--7.

A motion to reconsider was tabled.

HOUSE AMENDMENT NO. 4

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Title 65, Chapter 1, Part 1, is amended by adding the following language as a new, appropriately designated section:

65-1-____. Tennessee Regulatory Authority directors shall be deemed state employees as defined in § 8-27-101(g) and shall be eligible for participation in group insurance for state officials and employee plans as approved by the general assembly.

Senator Faulk moved that the Senate concur in House Amendment No. 4 to **Senate Bill No. 2247**, which motion prevailed by the following vote:

Ayes 27
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Campfield, Faulk, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--27.

A motion to reconsider was tabled.

HOUSE AMENDMENT NO. 7

AMEND by deleting the amendatory language "state employees as defined in § 8-27-101(g)" and by substituting instead the language "state employees as defined in § 8-27-201(g)".

Senator Faulk moved that the Senate concur in House Amendment No. 7 to **Senate Bill No. 2247**, which motion prevailed by the following vote:

Ayes 21
Noes 9

Senators voting aye were: Beavers, Bell, Campfield, Faulk, Gresham, Haynes, Henry, Johnson, Kelsey, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--21.

Senators voting no were: Barnes, Berke, Finney, Ford, Harper, Herron, Kyle, Marrero and Stewart--9.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2267 -- Driver Licenses -- As introduced, requires all driver licenses issued or renewed on or after July 1, 2012, to bear a photo of the applicant by removing present exemption for persons 60 years of age or older. Amends TCA Title 55, Chapter 50.

HOUSE AMENDMENT NO. 2

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-50-323(c)(2), is amended by deleting subdivision (K) in its entirety, which reads as follows:

(K) For any person sixty (60) years of age or older who elects to obtain a nonphoto bearing license, the fee for the license shall be fifteen dollars (\$15.00); provided, that the license is an operator (Class D or M) with no endorsements; and

and by substituting instead the following:

(K) For any person sixty (60) years of age or older who, on or after January 1, 2013, elects to renew a nonphoto bearing license, the fee for the license shall be fifteen dollars (\$15.00); provided, that the license is an operator (Class D or M) with no endorsements; and

SECTION 2. No person sixty (60) years or older who, prior to January 1, 2013, elected to obtain a nonphoto bearing license shall be required to obtain a driver license with a color photograph on or after January 1, 2013.

SECTION 3. This act shall take effect January 1, 2013, the public welfare requiring it.

Senator Tracy moved that the Senate concur in House Amendment No. 2 to Senate Bill No. 2267, which motion prevailed by the following vote:

Ayes 24
Noes 4

Senators voting aye were: Bell, Campfield, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kyle, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson and Mr. Speaker Ramsey--24.

Senators voting no were: Beavers, Berke, Kelsey and Marrero--4.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2302 -- Teachers, Principals and School Personnel -- As introduced, establishes new route to licensure to teach in grades 9-12 for persons who have taught in certain postsecondary institutions. Amends TCA Title 49, Chapter 5.

HOUSE AMENDMENT NO. 5

AMEND by deleting Section 1 of the bill and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 5, Part 1, is amended by adding the following language as a new, appropriately designated section:

49-5-1__.

(a) Notwithstanding any law to the contrary, the department shall issue a license to teach in grades nine through twelve (9-12) to any person who has taught at an eligible postsecondary institution as defined in § 49-4-902 and who meets the qualifications listed in this section. The license shall bear an endorsement to teach only in the subject area in which the person taught at the eligible postsecondary institution.

(b) Any applicant seeking teacher licensure pursuant to this act shall:

(1)(A) Have been a full-time college professor or instructor for at least two (2) of the last five (5) years at an eligible postsecondary institution that is accredited by a regional accrediting association, as defined by § 49-4-902; or

(B) Have been a part-time college professor or instructor, teaching at least one (1) course per semester, for at least three (3) of the last five (5) years at an eligible postsecondary institution that is accredited by a regional accrediting association, as defined by § 49-4-902;

(2) Submit for review by the department or a partnering institution of higher education at least three (3) years of documented teaching evaluations that rate the applicant for licensure as proficient or better in the subject area in which the applicant is seeking licensure. The teaching evaluations required by this subdivision shall have been administered by the institution at which the applicant taught. The department is authorized to promulgate rules and regulations to define proficiency in evaluations;

(3) Attend in-service training sessions, both before and during licensure, as required by the State Board of Education in consultation with institutions of higher education;

(4) Participate in a mentoring program to be established by the State Board of Education throughout the first school year during which the applicant is licensed; and

(5) Successfully complete all exams required for licensure for the subject area in which the applicant is seeking licensure.

Senator Summerville moved that the Senate concur in House Amendment No. 5 to **Senate Bill No. 2302**, which motion prevailed by the following vote:

Ayes 21
Noes 11

Senators voting aye were: Beavers, Bell, Campfield, Faulk, Gresham, Haynes, Henry, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--21.

Senators voting no were: Barnes, Berke, Burks, Finney, Ford, Harper, Herron, Kyle, Marrero, Stewart and Tate--11.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 3145 -- Hospitals and Healthcare Facilities -- As introduced, provides that reporting of injury other than those caused by deadly weapon upon a domestic violence or sexual assault on adult who does not wish to give consent to send identifying information to law enforcement to be filled out on forms that provide location and injury information but not name and address of victim. Amends TCA Title 36 and Title 38.

HOUSE AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 38-1-101, is amended by designating subsection (b) as subsection (c) and by adding the following new subsection (b):

(b)(1) The reporting provisions in subsection (a) do not apply if the person seeking or receiving treatment:

(A) Is 18 years of age or older;

(B) Objects to the release of any identifying information to law enforcement officials; and

(C) Is a victim of a sexual assault offense or domestic abuse as defined in § 36-3-601; or

(D) Is a person described in subdivision (b)(1)(C) and is a victim of strangulation.

(2) This exception shall not apply if the sexual assault or domestic abuse victim is being treated for injuries inflicted by a knife, pistol, gun, or other deadly weapon.

SECTION 2. Tennessee Code Annotated, Section 36-3-621, is amended by deleting the section in its entirety.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

Senator Burks moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 3145**, which motion prevailed by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

HOUSE AMENDMENT NO. 2

AMEND by adding the following new subdivisions to subsection (b) of the amendatory language of Section 1:

(3) If a person injured as provided in subsection (a) is first treated by an EMT, EMT-P, emergency medical or rescue worker, firefighter or other first responder, it shall not be the duty of the first responder to determine if the patient comes within the provisions of subdivision (b)(1). If the first responder transports the patient to a healthcare facility, the first responder's duty is to notify the treating physician or emergency room staff at the facility of the suspected cause of the patient's injury. If the patient is not transported to a healthcare facility, the first responder shall report the result of the call to the 911 center.

Senator Burks moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 3145**, which motion prevailed by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

HOUSE AMENDMENT NO. 3

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 38-1-101, is amended by adding the following new subsection (d):

(d)(1) The reporting provisions in subsection (a) do not apply if the person seeking or receiving treatment:

(A) Is 18 years of age or older;

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

(B) Objects to the release of any identifying information to law enforcement officials; and

(C) Is a victim of a sexual assault offense or domestic abuse as defined in § 36-3-601.

(2) This exception shall not apply and the injuries shall be reported as provided in subsection (a) if the injuries incurred by the sexual assault or domestic abuse victim are considered by the treating healthcare professional to be life threatening, or the victim is being treated for injuries inflicted by strangulation, a knife, pistol, gun, or other deadly weapon.

(3) A hospital, healthcare provider or other person who is required to report under subsection (a) shall be immune from civil liability for not reporting if in good faith the hospital, healthcare provider or other person does not report the injury in order to comply with this subsection.

(4) If a person injured as provided in subsection (a) is first treated by an EMT, EMT-P, emergency medical or rescue worker, firefighter or other first responder, it shall not be the duty of the first responder to determine if the patient comes within the provisions of subdivision (b)(1). If the first responder transports the patient to a healthcare facility, the first responder's duty is to notify the treating physician or emergency room staff at the facility of the suspected cause of the patient's injury. If the patient is not transported to a healthcare facility, the first responder shall report the result of the call to the 911 center.

SECTION 2. Tennessee Code Annotated, Section 36-3-621, is amended by deleting the section in its entirety.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Burks moved that the Senate concur in House Amendment No. 3 to **Senate Bill No. 3145**, which motion prevailed by the following vote:

Ayes 31
Noes 1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

Senator voting no was: Henry--1.

A motion to reconsider was tabled.

Senator Ketron moved that **Senate Bill No. 3350** be placed at the heel of Message Calendar No. 2 for today, which motion prevailed.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 2774 -- Criminal Procedure -- As introduced, increases expunction fee following the successful completion of diversion programs. Amends TCA Title 38, Chapter 6; Title 40, Chapter 32 and Title 40, Chapter 35.

Senator McNally moved to lift from the table a motion to reconsider on **House Bill No. 2774**, which motion prevailed.

Senator McNally moved that the Senate reconsider its action in passing **House Bill No. 2774**, which motion prevailed.

Senator McNally moved that the Senate reconsider its action in adopting Senate Amendment No. 2 to **House Bill No. 2774**, which motion prevailed.

Senator McNally moved that Senate Amendment No. 2 to **House Bill No. 2774** be withdrawn, which motion prevailed.

Thereupon, **House Bill No. 2774** was repassed on third and final consideration by the following vote:

Ayes 25
Noes 3

Senators voting aye were: Barnes, Burks, Faulk, Finney, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Kyle, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--25.

Senators voting no were: Ford, Herron and Marrero--3.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 2982 -- Judgments -- As introduced, changes the standard interest rate on judgments from 10 percent to the federal reserve weekly average prime loan rate, so long as such rate does not exceed 10 percent. Amends TCA Title 47.

Senator Kelsey moved that the Senate refuse to recede from its action in adopting Senate Amendment No. 2 to **House Bill No. 2982**, which motion prevailed.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 3350 -- Election Laws -- As introduced, revises various provisions related to elections. Amends TCA Section 2-13-203(d); Section 2-14-106(a); Section 2-14-202(b); Section 2-2-111(b); Section 2-2-114(b); Section 2-2-129(a)(1); Section 2-3-101(a); Section 2-3-103; Section 2-4-108(b); Section 2-5-151(c); Section 2-6-102(a)(1); Section 2-6-103(a)(1); Section 2-8-104; Section 2-9-109(b) and Section 67-6-707(2).

HOUSE AMENDMENT NO. 2

AMEND by deleting Section 1 of the bill in its entirety and by renumbering subsequent sections accordingly.

Senator Ketron moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 3350**, which motion prevailed by the following vote:

Ayes 27
Noes 2

Senators voting aye were: Barnes, Beavers, Bell, Berke, Campfield, Faulk, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--27.

Senators voting no were: Finney and Stewart--2.

A motion to reconsider was tabled.

MOTION

Senator Norris moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 930**, out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution No. 930 by Senator Norris.
General Assembly, Adjournment -- Provides for adjournment sine die of the 107th General Assembly at close of business on May 1, 2012.

On motion of Senator Norris, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 930** was adopted.

A motion to reconsider was tabled.

MOTION

Senator Herron moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 932**, out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution No. 932 by Senator Herron.
Memorials, Death -- Dr. Richard Chasteen.

On motion of Senator Herron, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 932** was adopted.

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

A motion to reconsider was tabled.

MOTION

Senator Faulk moved that Rule 19 and Rule 40 be suspended for the purpose of making and considering Message Calendar No. 3 consisting of the following bills: **Senate Bills Nos. 239, 1504, 2777, 3247 and 3647**, which motion prevailed.

MESSAGE CALENDAR NO. 3

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 239 -- Special License Plates -- As introduced, creates new specialty license plate for Historic Collierville; funds from the sale of the plates to be allocated to Main Street Collierville. Amends TCA Title 55, Chapter 4.

HOUSE AMENDMENT NO. 1

AMEND by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-4-347, is amended by adding a new subsection thereto, as follows:

(d) Notwithstanding the time limitations of § 55-4-201(h)(1), the Historic Collierville new specialty earmarked license plates authorized for issuance pursuant to this section shall have one (1) year from the effective date of this act or until July 1, 2013, whichever is later, to meet applicable initial issuance requirements of § 55-4-201(h)(1).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Norris moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 239**, which motion prevailed by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

MOTION

Senator Finney moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 929**, out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution No. 929 by Senator Finney.
Memorials, Death -- Bill Lowery.

On motion of Senator Finney, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 929** was adopted.

A motion to reconsider was tabled.

MESSAGE CALENDAR NO. 3

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 1504 -- Capitol -- As introduced, creates David Crockett Commission to oversee erection of monument or statue honoring David Crockett.

HOUSE AMENDMENT NO. 2

AMEND by deleting in its entirety Section 2 and by substituting instead the following:

SECTION 2. (a) The commission shall be composed of nine (9) citizen members: five (5) members to be appointed by the governor, two (2) members to be appointed by the Speaker of the House of Representatives, and two (2) members to be appointed by the Speaker of the Senate. The governor shall designate one (1) member to serve as chair of the commission. Vacancies shall be filled by the original appointing authority. Members of the commission shall not receive travel expenses or compensation for their service; however, members of the commission may receive compensation or reimbursement for travel expenses from private sources.

(b) Of the members appointed to the commission:

(1) One (1) shall be a member of a Tennessee historical society or organization;

(2) One (1) shall be an employee or director of a public museum with experience relative to commissioned projects;

(3) One (1) shall have experience in fundraising for historical, artistic, or educational organizations or projects; and

(4) One (1) shall be a resident of the eastern grand division from an area of David Crockett's birthplace or where he enjoyed his early childhood who is a member of a group that studies or celebrates David Crockett on an on-going basis.

Senator Southerland moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 1504**.

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

Senator Southerland moved that **Senate Bill No. 1504** be placed at the heel of Message Calendar No. 3 for today, which motion prevailed.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2777 -- Taxes, Inheritance Gift -- As introduced, eliminates the gift tax in 2013 and thereafter. Amends TCA Title 67, Chapter 8, Part 6; Title 67, Chapter 8, Part 1 and Title 67, Chapter 8, Part 4.

HOUSE AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-8-101(a), is amended by deleting the subsection in its entirety and by substituting instead the following:

(a)(1) Except as otherwise provided by subdivision (a)(2), a tax is imposed upon the transfer by gift during any calendar year by any person of the following property, or any interest therein:

(A) When the transfer is from a resident of this state:

(i) Real property situated within this state;

(ii) Tangible personal property, except such as has an actual situs without this state;

(iii) All intangible personal property; and

(B) When the transfer is from a nonresident of this state:

(i) Real property situated within this state; and

(ii) Tangible personal property that has an actual situs within this state.

(2) No tax shall be imposed upon the transfer by gift made by any person on or after January 1, 2012; provided, however, this subdivision (a)(2) shall not be construed to absolve any taxpayer of liability for any tax duly imposed by this section, during any tax year that began prior to January 1, 2012.

SECTION 2. Tennessee Code Annotated, Title 67, Chapter 8, Part 1, is amended by adding the following language as a new section:

67-8-118. This part does not apply to any transfer by gift made on or after January 1, 2012.

SECTION 3. Tennessee Code Annotated, Section 67-8-409(g)(1), is amended by deleting the language "decendent's lifetime" and by substituting instead the language "decendent's lifetime and prior to January 1, 2012".

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

SECTION 4. Tennessee Code Annotated, Section 67-8-409(g)(2), is amended by deleting the language "under § 67-8-104" and by substituting instead the language "under § 67-8-104 prior to January 1, 2012".

SECTION 5. Tennessee Code Annotated, Section 67-8-605, is amended by adding the following language at the beginning of the second sentence of the section:

Notwithstanding § 67-8-118,

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to tax years beginning on or after January 1, 2012.

Senator McNally moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 2777**.

Senator McNally moved that **Senate Bill No. 2777** be placed at the heel of Message Calendar No. 3 for today, which motion prevailed.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 3247 -- Schools, Charter -- As introduced, revises charter school application process time frames; permits LEAs to charge charter school applicants an application fee; changes current law to allow, not mandate, charter school teacher participation in group insurance plans offered by the LEA. Amends TCA Title 49, Chapter 13.

HOUSE AMENDMENT NO. 3

AMEND by deleting the language "July 1, 2012" in subdivision (B) in Section 9 and by substituting instead the language "January 1, 2013".

Senator Berke moved that the Senate concur in House Amendment No. 3 to **Senate Bill No. 3247**, which motion prevailed by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, Norris, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 3647 -- Conservation -- As introduced, decreases time county conservation board must organize from 30 days after appointment to 20 days after appointment; allows board to send report of transactions and operations to commissioner electronically. Amends TCA Title 11 and Title 67.

HOUSE AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 11, is amended by adding the following language as a new, appropriately designated chapter:

11-27-101.

This chapter shall be known and may be cited as the "Doe Mountain Recreation Authority Act of 2012".

11-27-102.

(a) It is hereby found and determined that:

(1) There is an immediate need to conserve Doe Mountain, an iconic 8,600-acre forested mountain presently under threat from economic distress;

(2) It is through conservation of these same Appalachian Mountains, in particular, Doe Mountain, that will give rise to an unparalleled location for family-oriented, multi-use outdoor recreation, job creation, and economic growth;

(3) The conservation of Doe Mountain and the proper development of multi-use recreational opportunities on the mountain requires partnerships between state and local government, the private sector, conservationists, and an engaged local community to preserve the mountain's unique nature and realize its economic potential;

(4) In many instances, effective cooperation between these parties has been hampered by inadequate statutory authority and management expertise. An authority vested with the full range of necessary statutory powers is, therefore, needed to ensure the success of Doe Mountain's conservation and to realize its full economic potential for the citizens of this state; and

(5) Realizing that the economic development potential of newly acquired conservation lands calls for a new mechanism to manage these lands for multi-use outdoor recreation opportunities and to make the public aware of these opportunities, the general assembly, therefore, intends to vest an authority with the powers set forth herein to prepare comprehensive, long-range, site-specific master plans and to ensure compliance with such plans; to conserve the land, waters, and wildlife of Doe Mountain in a manner protective of the resource, including, where applicable, transfer of lands management for natural areas and/or wildlife management areas; and to foster economic development for the people by the development and operation of multi-use, family-oriented outdoor recreation opportunities.

(b) It is the purpose of this chapter to address these findings by providing for the establishment of the Doe Mountain Recreation Authority to protect and conserve the natural resources of Doe Mountain through planning, promoting, financing, constructing, managing, and developing multi-use recreational opportunities for public participation and enjoyment that will create jobs and facilitate economic development.

(c) This chapter shall be liberally construed in conformity with its purpose.

11-27-103.

There is hereby created and established the "Doe Mountain Recreation Authority", being a public body corporate and politic.

11-27-104.

As used in this chapter, unless the context otherwise requires:

(1) "Adventure tourism activities" means outdoor recreational opportunities such as equine and motorized trail riding, rappelling, road biking, rock climbing, hang gliding, spelunking, shooting sports, mountain biking, canoeing, paragliding, zip lining and other such activities;

(2) "Authority" means the Doe Mountain Recreation Authority;

(3) "Board" means the board of directors of the authority;

(4) "Bonds" or "revenue bonds" means bonds, notes, interim certificates or other obligations of an authority issued pursuant to this chapter, or pursuant to any other law, as supplemented by, or in conjunction with, this chapter;

(5) "County" means the county in this state in which Doe Mountain is located;

(6) "Governing body" means the legislative body of a county as defined in this act;

(7) "Municipality" means any county, or any incorporated city or town in this state with respect to which the authority may be organized;

(8) "Person" means any individual, partnership, firm, association, corporation, or combination of individuals of whatever form or character;

(9) "Project" means any outdoor recreational facility, or any other structure, improvement, or facility constructed, leased, equipped, renovated or acquired for any of the purposes set forth in this chapter, and also includes, but is not limited to, trails, roads, streets, bridges, towers, erosion control facilities, paths, signs, shelters, cabins, and utility services, such as water, sanitary sewer, electricity, gas and natural gas, and telecommunications that

are constructed, leased, equipped, renovated or acquired as a supporting system or facility for any of the purposes set forth in this chapter; provided, that such supporting system or facility is dedicated for public use;

(10) "Revenues" means all revenues derived from and on account of a project, directly or indirectly, including license or admission fees, payments under a lease or sale contract and repayments under any loan agreement, or under notes, debentures, bonds and other secured or unsecured debt obligations of a lessee or contracting party delivered as provided in this chapter, and any revenues pledged by a municipality;

(11) "Outdoor recreational facilities" means and includes projects, facilities, improvements, and structures erected for any and all types of recreational pursuits, including, but not limited to, adventure tourism activities, camping, hiking, hunting, fishing, wildlife viewing, or any other outdoor recreational activity that adds to the recreational enrichment and economic development of the community; and

(12) "State" means the State of Tennessee and, unless otherwise indicated by the context, any agency, authority, branch, bureau, commission, corporation, department or instrumentality of the state, now or hereafter existing.

11-27-105.

The authority shall file its charter with the secretary of state pursuant to Tennessee Code Annotated, Title 48, Chapter 51. The charter shall be placed on record in the office of the register of deeds of Johnson County. Upon such recordation of its charter, the authority shall be authorized to function in accordance with the provisions of its charter and the provisions of this chapter.

11-27-106.

(a) The authority shall be governed by a board of directors consisting of fifteen (15) members:

(1) The mayor of the county, or the mayor's designee;

(2) The mayor of the largest municipality within the county, or the mayor's designee;

(3) The director of the Wildlife Resources Agency, or the director's designee;

(4) The Commissioner of the Department of Economic and Community Development, or the commissioner's designee;

(5) The Commissioner of the Department of Environment and Conservation, or the commissioner's designee;

(6) The Commissioner of the Department of Tourism Development, or the commissioner's designee;

(7) One (1) member, appointed by the county mayor from a list of three (3) submitted by the board of directors of the county's chamber of commerce, who shall serve for a term of two (2) years;

(8) One (1) member, appointed by the county mayor, who shall be a resident of the county, and active in a locally organized conservation or outdoor recreation organization, who shall serve for a term of two (2) years;

(9) One (1) member, appointed by the governor, who shall have a background in conservation, who shall serve for a term of three (3) years;

(10) One (1) member, appointed by the governor, who shall have experience in outdoor recreation planning, marketing, or operations, who shall serve for a term of three (3) years;

(11) One (1) member, elected by majority vote of the governing body of the county, who shall serve for a term of two (2) years;

(12) One (1) member, appointed by the Speaker of the Senate in consultation with the member of the Senate representing the majority of the county's population, who shall serve for a term of two (2) years;

(13) One (1) member, appointed by the Speaker of the House of Representatives in consultation with the member of the House of Representatives representing the majority of the county's population, who shall serve for a term of two (2) years;

(14) One (1) member, appointed by the governor from a list of three (3) names submitted by The Nature Conservancy, who shall serve for a term of three (3) years; and

(15) One (1) member of the public at large, appointed by the governor, who shall be a resident of the county or an adjoining county and not otherwise affiliated with any of the groups identified above, who shall serve for a term of three (3) years.

(b) Any board designee or nominee shall be appointed or designated by the filing of a writing, executed by or on behalf of the designator identified in subsection (a), with the secretary-treasurer of the authority and with the secretary of state.

(c) Upon completion of its membership, the appointees shall meet and organize, elect a chair, vice chair, and secretary-treasurer, who shall each serve for a term of two (2) years, and set a regular time and place for meetings of the board. The board shall meet no less often than monthly during its first twelve (12) months of operation, and no less often than once every three (3) months thereafter. In the event of a vacancy in the chair, vice chair or

secretary-treasurer position, the board shall fill the vacancy by a vote of the majority of the members appointed at the next regularly called meeting of the board.

(d) Members of the board shall serve without compensation, except reimbursement for actual traveling expenses and other necessary expenses incurred in the performance of their official duties, such expenses to be reimbursed from such funds as may be available to the authority. All reimbursement for travel expenses shall be in accordance with the provisions of the comprehensive travel regulations as promulgated by the Department of Finance and Administration and approved by the attorney general and reporter.

(e) Each of such officers may be removed at any time by the affirmative vote of a majority of the board of the authority for any of the following reasons:

(1) Three (3) consecutive unexcused absences from meetings of the board;

(2) Refusal to carry out any obligation imposed upon the board member by this chapter, by any other law, or at the direction of the board;

(3) Knowing or willful neglect of the board member's duties; or

(4) Conviction of any felony, or any offense related to a breach of public trust.

(f) In the event of a vacancy on the board created by the death, resignation, or removal of a member, the appointing authority that selected the previous member pursuant to this section, shall fill the vacancy by appointment of an interim board member within thirty (30) days of the creation of the vacancy. If the appointing authority does not fill the vacancy within thirty (30) days, the county governing body, upon petition of the board, may by majority vote elect a person to fill the unexpired term until such time as the appointing authority has acted. The election of any such interim board member by the governing body shall not deprive the appointing authority of its powers to make an appointment of a board member upon the completion of the interim board member's term.

11-27-107.

(a) The authority has the following powers necessary for carrying out the purposes set forth in this chapter to:

(1) Adopt a seal;

(2) Sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;

(3) Purchase, hold, sell and convey land and personal property, and execute such contracts as may be deemed necessary or convenient by the board to enable it to properly carry out the purposes for which it is organized;

(4) Conserve the natural resources of real property owned and managed by the authority, including the land, timber, and waters, and the Department of Conservation and Environment for transfers of lands for wildlife management areas and/or natural areas;

(5) Contract for the construction of projects, and other proposed works and improvements;

(6) Contract for professional services and other assistance, including, but not limited to, legal, architectural, engineering, financial, accounting, and human resources professionals, as its board in its sole discretion deems necessary, the cost of such services comprising an obligation of the authority and paid in the same manner as any other expenses of the authority;

(7) Construct any drainage works or improvements; to construct any works or improvements for the control, retention, diversion, or utilization of water; retard runoff of water and soil erosion; construct facilities, projects, park areas, and other recreational facilities, and repair, improve and maintain any of such improvements or structures;

(8) Acquire personal property by gift or purchase;

(9) Acquire or sell authority-owned land, or any interest in land, including leasehold interests, by gift, bequest, sale, or purchase. Any sale or disposal of land must have the approval of the State Building Commission;

(10) Borrow money from time to time and, in evidence of any obligation incurred, issue and, pursuant to § 11-27-115, sell its revenue bonds in accordance with this chapter and the applicable provisions of Title 9, Chapter 21, in such form and upon such terms as its board of directors may determine, payable out of any revenues of the authority, including grants or contributions or other revenues specifically provided to the authority, for the purpose of financing the cost of any project and refund and refinance, from time to time, bonds so issued and sold, as often as may be deemed to be advantageous by the board of directors;

(11) Cooperate and contract with persons, firms, associations, partnerships and private corporations, and with watershed districts, drainage districts, counties, conservation districts, levee districts, counties, cities, quasi-municipalities, utility districts, and other similar corporations or agencies of the State of Tennessee, and with any such districts or agencies organized for similar purposes in any adjoining

state, and with other local, state and federal agencies, including, but not limited to, the Department of Agriculture, Department of Environment and Conservation, Wildlife Resources Agency, Tennessee Valley Authority, or any other federal agency, and to enter into cooperative contracts and agreements with any such districts, corporations or agencies;

(12) Select a residence or home office for the authority, which shall be at a place designated by the board;

(13) Receive contributions or grants from counties, cities and towns, any state or federal agency, or from any other source;

(14) Acquire water rights and distribute or sell water for irrigation or for other purposes, either within or without the boundaries of the authority;

(15) Provide recreational facilities;

(16) Lease authority-owned lands for timbering, or other purposes consistent with the purposes set forth in § 11-27-102(b);

(17) Contract for all materials, supplies, equipment, personnel, and services necessary for the proper administration of the authority;

(18) Publish and maintain a Web site for any purpose set forth in this chapter;

(19) Expend funds for any purpose set forth in this chapter;

(20) Take such steps as deemed necessary by its board of directors for the promotion and protection of the environment within the boundaries of the authority, and enter into agreements with private nonprofit corporations, the Department of Environment and Conservation, the division of forestry, the Wildlife Resources Agency, or any other federal, state or local agency for that purpose;

(21) Take such steps as deemed necessary for fire prevention, and for this purpose to enter into cooperative agreements with the division of forestry, or any other federal, state or local agency and volunteer fire departments;

(22) Contract for the operation of concessions on or in any of the properties owned, managed, or leased by the authority;

(23) Advertise within and without the state any of the recreational facilities, opportunities, or events, of the authority;

(24) Enter into agreements for payments in lieu of any tax assessment by any city or county;

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

(25) Make all needful rules, regulations and bylaws for the management and conduct of the affairs of the authority and of the board; and

(26) Establish, charge and collect user fees, which will be used solely to support the operation and maintenance of the authority.

(b) None of the powers enumerated in subsection (a) shall be exhausted by use but shall be continuous and perpetual throughout the life of the authority.

(c) No permit for any solid waste management facility shall be issued by the Commissioner of Environment and Conservation for any site located on property owned or managed by the authority.

11-27-108.

(a) In addition to other powers and duties specified in this chapter, the authority shall:

(1) Establish bylaws and make all rules and regulations not inconsistent with this chapter, deemed expedient for the management of the affairs of the authority;

(2) Set the amount of all fees required by this chapter;

(3) Receive, administer and account for all monies derived under this chapter, which shall be used to defray expenses incurred in the administration of this chapter;

(4) Keep a public record of its proceedings;

(5) Seek relief at law or equity to restrain or enjoin any act or practice in violation of this chapter or of any rule promulgated to effectuate the purposes of this chapter, or to obtain compensation for the breach of any duty owed the authority, provided that jurisdiction and venue are conferred upon the chancery court of the county to hear and determine such a suit, and that no bond shall be required for the prosecution of the suit or for the issuance of an injunction; and

(6) Have other powers and duties that are necessary to effectuate this chapter.

(b) For purposes of § 11-11-205 only, the authority shall be defined as an adventure tourism business.

11-27-109.

(a) All meetings of the authority's board, including the organization's meeting provided for in § 11-27-106(c), shall be open to the public, pursuant to § 8-44-102. Notice and an agenda for such meetings shall be mailed to

each board member and published on the authority's Web site at least five (5) days prior to the date of the meeting. Special meetings may be held at any time upon waiver of notice of a meeting by all board members, or may be called by the chair or any two (2) board members at any time, upon three (3) days notice to all board members and published on the authority's Web site.

(b) A majority of the board members constitutes a quorum for the transaction of business. A majority vote of the board members in attendance at any meeting of the board is sufficient to authorize any act taken pursuant to the powers set forth in this chapter.

(c) The board may conduct special or regular meetings by conference call or video conference, provided the electronic nature of the meeting is included in the meeting notice, and opportunity for public participation is provided.

(d) All official records of the authority shall be *prima facie* evidence of all matters required to be kept in the records.

(e) Except as otherwise provided by this section, business plans, specifically including, but not limited to, financial statements, pricing, and market strategies, submitted by individuals or entities who have contracted with, or seeking to contract with, the authority to provide services pursuant to the powers set forth in this chapter, shall be treated as confidential and may not be disclosed except by order of a court of competent jurisdiction or by permission of the individual or entity.

(f) Members of the authority are officers of the state in carrying out the duties imposed by this chapter, and as such have the full measure of governmental immunity provided by law.

11-27-110.

At the initial meeting of the board, the board and The Nature Conservancy shall undertake to develop and publish a written management plan for the authority, which shall be publicly available. The board has the power to employ engineers, surveyors, conservation experts, outdoor recreation experts, management experts, and other professionals necessary for such study, and to have prepared surveys, maps, profiles, plans and descriptions, and such other data as may be necessary. The plan shall consider whether, and to what extent, lands of the authority should be owned and managed as natural areas and/or wildlife management areas by the Department of Environment and Conservation and the wildlife management authority, respectively. The authority may, in consultation with The Nature Conservancy, thereafter biennially review, revise, and re-publish its management plan.

11-27-111.

(a) The governing body of the county, or the governing body of any city or town, adjacent to or in the proximity of any real property owned by the authority, has the right to contribute, out of the general fund or any special

fund of such county or city, such amount as such legislative body sees fit, to be used in the preliminary expenses of the authority, or in the maintenance of the authority, or for capital improvements or projects of the authority.

(b) For the purpose of aiding and cooperating with the authority, the governing body may assign or loan any of its employees, and may provide necessary office space, equipment, and other facilities, for the use of the authority, as the governing body may approve.

(c) In addition to the methods of financing authorized in this chapter, administrative costs of the authority as well as the cost of any general plan, improvement, project, program, or work benefiting the authority or in support of the purposes for which the authority is organized, generally may be financed by any fee, special assessment, or general fund tax revenue appropriated by a public or private act of the general assembly.

11-27-112.

The authority shall not have the power of eminent domain.

11-27-113.

(a) The board shall cause an annual audit to be made of the books and records of the authority. The comptroller of the treasury, through the Department of Audit, shall be responsible for determining that such audits are made in accordance with generally accepted governmental auditing standards and that such audits meet the minimum standards prescribed by the comptroller of the treasury.

(b) These audits shall be made by certified public accountants. In the event the board shall fail or refuse to have the audit made, then the comptroller of the treasury may appoint a certified public accountant, or direct the Department of Audit to make the audit, the cost of such audit to be paid by the authority.

(c) The authority shall prepare an annual report of its business affairs and transactions, a copy of which shall be available for public inspection, and filed by January 31 of each year with the comptroller of the treasury, the office of governor, and the Speakers of the House and Senate.

11-27-114.

(a) The authority is hereby declared to be performing a public function and to be a public instrumentality. The acquisition, operating and financing of any project by the authority is declared to be for a public and governmental purpose and a matter of public necessity. Accordingly, the authority and all properties at any time owned by it and the income from the properties and all bonds issued by the authority and the income from the bonds shall be exempt from all state, county and municipal taxation. For purposes of the Tennessee Securities Act of 1980, compiled in Title 48, Chapter 2, Part 1, bonds issued by the authority shall be deemed to be securities issued by a public instrumentality or a political subdivision of the state.

(b) The authority shall be a public nonprofit corporation and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any person.

11-27-115.

(a) The authority shall have power and is authorized to issue its bonds in accordance with this chapter and in accordance with the Local Government Public Obligations Law, compiled in Title 9, Chapter 21, and for such purposes the bonds shall be treated as revenue obligations of the authority under this chapter, in order to finance:

(1) The costs of any project;

(2) The payment of the costs of issuance of such bonds, including underwriter's discount, financial advisory fee, preparation of the definitive bonds, preparation of all public offering and marketing materials, advertising, credit enhancement, and legal, accounting, fiscal and other similar expenses;

(3) Reimbursement of the authority for monies previously spent by the authority for any of the foregoing purposes; and

(4) The establishment of reasonable reserves for the payment of debt service on such bonds, for repair and replacement of any project, or for such other purposes as the board shall deem necessary and proper in connection with the issuance of any bonds and operation of any project for the benefit of which the financing is being undertaken.

(b) The authority shall have the power and is hereby authorized to issue its bonds to refund and refinance outstanding bonds of the authority heretofore or hereafter issued or lawfully assumed by the authority; provided, that in accordance with Title 9, Chapter 21, the authority shall request a report on any proposed refunding from the office of the comptroller. The proceeds of the sale of the bonds may be applied to:

(1) The payment of the principal amount of the bonds being refunded and refinanced;

(2) The payment of the redemption or tender premium thereon, if any;

(3) The payment of unpaid interest on the bonds being refunded, including interest in arrears, for the payment of which sufficient funds are not available, to the date of delivery or exchange of the refunding bonds;

(4) The payment of fees or other charges incident to the termination of any interest rate hedging agreements, liquidity or credit facilities, or other agreements related to the bonds being refunded and refinanced;

(5) The payment of interest on the bonds being refunded and refinanced from the date of delivery of the refunding bonds to maturity or to, and including, the first or any subsequent available redemption date or dates on which the bonds being refunded may be called for redemption;

(6) The payment of the costs of issuance of the refunding bonds, including underwriter's discount, financial advisory fee, preparation of the definitive bonds, preparation of all public offering and marketing materials, advertising, credit enhancement, and legal, accounting, fiscal and other similar expenses, and the costs of refunding the outstanding bonds, including the costs of establishing an escrow for the retirement of the outstanding bonds, trustee and escrow agent fees in connection with any escrow, and accounting, legal and other professional fees in connection therewith; and

(7) The establishment of reserves for the purposes set forth in subdivision (a)(4) above.

Refunding bonds may be issued to refinance and refund more than one (1) issue of outstanding bonds, notwithstanding that such outstanding bonds may have been issued at different times. The principal proceeds from the sale of refunding bonds may be applied either to the immediate payment and retirement of the bonds being refunded or, to the extent not required for the immediate payment of the bonds being refunded, to the deposit in escrow with a bank or trust company to provide for the payment and retirement at a later date of the bonds being refunded.

(c) No bonds shall be issued hereunder unless authorized to be issued or assumed by resolution of the board of directors of the authority. Bonds authorized to be issued hereunder may be issued in one (1) or more series, may bear such date or dates, mature at such time or times, not exceeding forty (40) years from their respective dates, bear interest at such rate or rates, payable at such time or times, be in such denominations, be in such form, either coupon or registered, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption, with or without premium, as such resolution or resolutions may provide. Bonds may be issued for money or property at competitive or negotiated sale for such price or prices as the board of directors, or its designee, shall determine. The authority may enter into such agreements in connection with the issuance of any bonds as its board of directors may approve, including without limitation, credit agreements and bond purchase agreements.

(d) Bonds may be repurchased by the authority out of any available funds at such price as the board of directors shall determine, and all bonds so repurchased shall be cancelled or held as an investment of the authority as the board of directors may determine.

(e)(1) All bonds issued by the authority shall be payable solely out of the revenues of the authority, including tax revenues, as may be designated by the board of directors of the authority.

(2) The principal of and interest on any bonds issued by the authority shall be secured, as may be designated by the board of directors of the authority, by a pledge of the tax revenues allocable to the authority, by a pledge of the authority's rights under agreements, leases and other contracts, or by a mortgage or deed of trust covering all or any part of the projects from which the revenues so pledged may be derived. The proceedings under which the bonds are authorized to be issued and any such pledge agreement or mortgage or deed of trust may contain any agreements and provisions respecting the maintenance of the projects covered by the bonds, the fixing and collection of rents for any portions of projects leased by the authority to others, the creation and maintenance of special funds from such revenues and the rights and remedies available in the event of default, all as the board of directors shall deem advisable and not in conflict with the provisions of this act. Each pledge, agreement, or mortgage or deed of trust made for the benefit or security of any of the bonds of the authority shall continue effective until the principal of and interest on the bonds for the benefit of which the pledge, agreement, or mortgage or deed of trust were made shall have been fully paid. In the event of default in such payment or in any agreement of the authority made as a part of the contract under which the bonds were issued, whether contained in the proceedings authorizing the bonds or in any mortgage or deed of trust executed as security for the bonds, such payment or agreement may be enforced by suit, mandamus, the appointment of a receiver in equity or by foreclosure of any such mortgage or deed of trust, or any one (1) or more of such remedies.

(f) Bonds and notes of the authority shall be executed in the name of the authority by such officers of the authority and in such manner as the board of directors may direct. If so provided in the proceedings authorizing the bonds, the facsimile signature of any of the officers executing such bonds may appear on the bonds in lieu of the manual signature of such officer.

(g) Any bonds and notes of the authority may be sold at public or private sale to the extent authorized for local governments, for such price and in such manner and from time to time as may be determined by the board of directors of the authority to be most advantageous, and the authority may pay all expenses, premiums and commissions that its board of directors may deem necessary or advantageous in connection with the issuance of the bonds.

11-27-116.

All leases, contracts, deeds of conveyance, or instruments in writing executed by the authority, shall be executed in the name of the authority by the chairman of the authority, or by such other officer as the board of directors of the authority, by resolution, may direct.

11-27-117.

As a public body, no part of the net earnings of the authority remaining after payment of its expenses shall inure to the benefit of any individual, firm or

corporation, except that in the event the board of directors of the authority shall determine that sufficient provision has been made for the full payment of the expenses, bonds, and other obligations of the authority, then any net earnings of the authority thereafter accruing shall be paid to the municipality or municipalities with respect to which the authority was organized; provided, that nothing contained in this section shall prevent the board of directors from transferring all or any part of its properties in accordance with the terms of any lease entered into by the authority.

11-27-118.

Whenever the board of directors of the authority, by resolution, determines that there has been substantial compliance with the purposes for which the authority was formed, and all bonds theretofore issued and all obligations theretofore incurred by the authority have been fully paid, then the members of the board of directors shall thereupon execute and file for record in the office of the secretary of state a certificate of dissolution reciting such facts and declaring the authority to be dissolved. Upon the filing of such certificate of dissolution, the authority shall stand dissolved, the title to all funds and properties owned by it at the time of such dissolution shall vest in the state, in the manner approved by the board and the state, and possession of such funds and properties shall forthwith be delivered to the state. Upon dissolution of the authority, any of its assets shall be distributed as shall be directed by the board and the state, but in no event shall such costs be distributed to any person other than a governmental entity.

11-27-119.

This chapter shall not be construed as a restriction or limitation upon any powers that an authority, as a public corporation, might otherwise have under any laws of this state, but shall be construed as cumulative of any such powers. No proceedings, notice or approval shall be required for the organization of the authority or the issuance of any bonds or any instrument as security for the bonds, except as provided in this chapter, any other law to the contrary notwithstanding; provided, that nothing in this chapter shall be construed to deprive the state and its governmental subdivisions of their respective police powers over properties of the authority, or to impair any power over same.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Southerland moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 3647**, which motion prevailed by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, Massey, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

RECESS

Mr. Speaker Ramsey moved the Senate stand in recess to hear from the Department of Revenue, which motion prevailed.

CALL TO ORDER

The Senate was called to order by Mr. Speaker Ramsey.

ROLL CALL

The Speaker declared that a quorum was present.

On motion, the roll call was dispensed with.

MESSAGE CALENDAR NO. 3

FURTHER ACTION ON SENATE BILL NO. 2777

Senator McNally moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 2777**, which motion prevailed by the following vote:

Ayes	29
Noes	2
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Faulk, Finney, Ford, Gresham, Harper, Haynes, Johnson, Kelsey, Ketron, Kyle, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey --29.

Senators voting no were: Herron and Marrero--2.

Senator present and not voting was: Henry--1.

A motion to reconsider was tabled.

MOTION

Senator Southerland moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 1061**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 1061 -- Memorials, Recognition -- Recognize NAIA Womens Golf National Championship Days.

On motion of Senator Southerland, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 1061** was concurred in.

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

A motion to reconsider was tabled.

NOTICES

MESSAGE FROM THE HOUSE

May 1, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1471. The House acceded to the request of the Senate for the appointment of a Conference Committee. The Speaker appointed a Conference Committee composed of Representatives John Deberry, Hensley and Curtis Johnson to confer with a like committee from the Senate in open conference to resolve the differences between the Bodies on Senate Bill No. 1471.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 1, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 326. The House refused to recede from its action in adopting House Amendments Nos. 4, 7, 8, 9, 10 and 5.

JOE MCCORD,
Chief Clerk.

**APPOINTMENT OF SELECT COMMITTEE
CONFERENCE COMMITTEE
ON
SENATE BILL NO. 326**

The Speaker announced the appointment of a Conference Committee composed of Senators Beavers, Chairperson; Henry and Roberts to confer with a like committee from the House to resolve the differences of the two Bodies on Senate Bill No. 326.

MESSAGE FROM THE HOUSE

May 1, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1738. The House refused to recede from its action in adopting House Amendments Nos. 1 and 2.

JOE MCCORD,
Chief Clerk.

**APPOINTMENT OF SELECT COMMITTEE
CONFERENCE COMMITTEE
ON
SENATE BILL NO. 1738**

The Speaker announced the appointment of a Conference Committee composed of Senators Johnson, Chairperson; Ketrone and Tate to confer with a like committee from the House to resolve the differences of the two Bodies on Senate Bill No. 1738.

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

MESSAGE FROM THE HOUSE

May 1, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1493. The House refused to recede from its action in adopting House Amendment No. 1.

JOE MCCORD,
Chief Clerk.

**APPOINTMENT OF SELECT COMMITTEE
CONFERENCE COMMITTEE
ON
SENATE BILL NO. 1493**

The Speaker announced the appointment of a Conference Committee composed of Senators Marrero, Chairperson; Faulk and Yager to confer with a like committee from the House to resolve the differences of the two Bodies on Senate Bill No. 1493.

MESSAGE FROM THE HOUSE

May 1, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1325. The House refused to recede from its action in adopting House Amendments Nos. 2, 3 and 5.

JOE MCCORD,
Chief Clerk.

**APPOINTMENT OF SELECT COMMITTEE
CONFERENCE COMMITTEE
ON
SENATE BILL NO. 1325**

The Speaker announced the appointment of a Conference Committee composed of Senators Johnson, Chairperson; Finney and Yager to confer with a like committee from the House to resolve the differences of the two Bodies on Senate Bill No. 1325.

MESSAGE FROM THE HOUSE

May 1, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2982. The House refused to recede from its action in nonconcurring in Senate Amendment No. 2. The Speaker appointed a Conference Committee composed of Representatives Dennis, Faison and Hardaway to confer with a like committee from the Senate in open conference to resolve the differences between the Bodies on House Bill No. 2982.

JOE MCCORD,
Chief Clerk.

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

**APPOINTMENT OF SELECT COMMITTEE
CONFERENCE COMMITTEE
ON
HOUSE BILL NO. 2982**

The Speaker announced the appointment of a Conference Committee composed of Senators Kelsey, Chairperson; Berke and Tracy to confer with a like committee from the House to resolve the differences of the two Bodies on House Bill No. 2982.

**MESSAGE FROM THE HOUSE
May 1, 2012**

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 326. The House acceded to the request of the Senate for the appointment of a Conference Committee. The Speaker appointed a Conference Committee composed of Representatives Pody, Casada and Pitts to confer with a like committee from the Senate in open conference to resolve the differences between the Bodies on Senate Bill No. 326.

JOE MCCORD,
Chief Clerk.

**MESSAGE FROM THE HOUSE
May 1, 2012**

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1325. The House acceded to the request of the Senate for the appointment of a Conference Committee. The Speaker appointed a Conference Committee composed of Representatives Carr, Haynes and Larry Miller to confer with a like committee from the Senate in open conference to resolve the differences between the Bodies on Senate Bill No. 1325.

JOE MCCORD,
Chief Clerk.

**MESSAGE FROM THE HOUSE
May 1, 2012**

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2247. The House lifted the tabling motion, reconsidered Senate Bill No. 2247, reconsidered and withdrew Amendment No. 2 and repassed Senate Bill No. 2247 on third and final consideration.

JOE MCCORD,
Chief Clerk.

**MESSAGE FROM THE HOUSE
May 1, 2012**

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1738. The House acceded to the request of the Senate for the appointment of a Conference Committee. The Speaker appointed a Conference Committee composed of Representatives Sargent, Odom and McDaniel to confer with a like committee from the Senate in open conference to resolve the differences between the Bodies on Senate Bill No. 1738.

JOE MCCORD,
Chief Clerk.

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

MESSAGE FROM THE HOUSE

May 1, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1493. The House acceded to the request of the Senate for the appointment of a Conference Committee. The Speaker appointed a Conference Committee composed of Representatives Mike Turner, McCormick and Cobb to confer with a like committee from the Senate in open conference to resolve the differences between the Bodies on Senate Bill No. 1493.

JOE MCCORD,
Chief Clerk.

**REPORT OF SELECT COMMITTEE
CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 1379/SENATE BILL NO. 1325**

The report was received and filed with the Clerk.

**REPORT OF SELECT COMMITTEE
CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 1379/SENATE BILL NO. 1325**

The Senate and House Conference Committee appointed pursuant to motions to resolve the differences between the two houses on Senate Bill No. 1325 (House Bill No. 1379) has met and recommends that all Senate and House amendments be deleted.

The Committee further recommends that the following amendment be adopted:

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 4, is amended by adding the following language as a new, appropriately designated chapter:

4-57-101. This chapter shall be known and may be cited as the "Eligibility Verification for Entitlements Act".

4-57-102. As used in this chapter:

(1) "Federal public benefit":

(A) Has the same meaning as provided in 8 U.S.C. § 1611; and

(B) Does not mean a benefit listed in 8 U.S.C. § 1611(b);

(2) "Political subdivision" means any local governmental entity, including, but not limited to, any municipality, metropolitan government, county, utility district, school district, public building authority, and development district created and existing pursuant to the laws of this state, or any instrumentality of government created by any one (1) or more of the named local governmental entities;

(3) "SAVE program" means the systematic alien verification for entitlements program created pursuant to the federal Immigration Reform and Control Act of 1986 and operated by the United States Department of Homeland Security, or any successor program thereto;

(4) "State governmental entity":

(A) Means a state agency, department, board, commission, and other body which carries out state functions and programs; and

(B) Does not mean a political subdivision; and

(5) "State or local public benefit":

(A) Means any public benefit as defined in 8 U.S.C. § 1621, that is provided or administered by a state governmental entity or a local health department; and

(B) Does not mean a benefit listed in 8 U.S.C. § 1621(b).

4-57-103.

(a) Except where prohibited by federal law, every state governmental entity and local health department shall verify that each applicant eighteen (18) years of age or older, who applies for a federal, state or local public benefit from the entity or local health department, is a United States citizen or lawfully present in the United States in the manner provided in this chapter.

(b)(1) As provided in subdivision (b)(2), every state governmental entity or local health department shall include on all forms, electronic or otherwise, and all automated phone systems, a written or verbal statement:

(A) Requiring an applicant for a federal, state or local public benefit to, under penalty of perjury, attest to the applicant's status as either:

(i) A United States citizen; or

(ii) A qualified alien as defined by 8 U.S.C. § 1641(b); and

(B) Describing the penalties for violations of this chapter.

(2) Subdivision (b)(1) shall be implemented upon the entity's or local health department's first reprinting of applicable forms or updating of the electronic or automated phone systems, described in subdivision (b)(1), after the effective date of this act.

(c) For an applicant who claims United States citizenship, the entity or local health department shall make every reasonable effort to ascertain verification of the applicant's citizenship, which may include requesting the applicant to present any one (1) of the following:

(1)(A) A valid Tennessee driver license or photo identification license issued by the Department of Safety; or

(B) A valid driver license or photo identification license from another state where the issuance requirements are at least as strict as those in Tennessee, as determined by the Department of Safety;

(2) An official birth certificate issued by a U.S. state, jurisdiction or territory, including Puerto Rico, U.S. Virgin Islands, Northern Mariana Islands, American Samoa, Swains Island, Guam; provided, that Puerto Rican birth certificates issued before July 1, 2010, shall not be recognized under this subdivision (c)(2);

(3) A U.S. government-issued certified birth certificate;

(4) A valid, unexpired U.S. passport;

(5) A U.S. certificate of birth abroad (DS-1350 or FS-545);

(6) A report of birth abroad of a citizen of the U.S. (FS-240);

(7) A certificate of citizenship (N560 or N561);

(8) A certificate of naturalization (N550, N570 or N578);

(9) A U.S. citizen identification card (I-197, I-179);

(10) Any successor document of subdivisions (c)(4)-(9); or

(11) A social security number that the entity or local health department may verify with the Social Security Administration in accordance with federal law.

(d)(1) For an applicant who claims qualified alien status, the applicant shall present two (2) forms of documentation of identity and immigration status, as determined by the United States Department of Homeland Security to be acceptable for verification through the SAVE program; provided, no entity or local health department is required to verify such applicant's documents through the SAVE program if two (2) such documents are presented unless otherwise required by federal law.

(2) If an applicant who claims eligibility as a qualified alien is unable to present two (2) forms of documentation as described in subdivision (d)(1), then the applicant shall present at least one (1) such document that the entity or local health department shall then verify through the SAVE program.

(e) Each state governmental entity or local health department shall maintain a copy of all documentation submitted by an applicant for verification in a manner consistent with the entity's or local health department's rules, regulations or policies governing storage or preservation of such documentation.

(f)(1) Any document submitted pursuant to subsections (c) or (d) shall be presumed to be proof of an individual's eligibility under this chapter until a final verification is received by the state governmental entity or local health department, and no entity or local health department shall delay the distribution of any federal, state or local benefit based solely on the pendency of final verification.

(2) Upon receipt of a final verification that indicates that the applicant is not a United States citizen or qualified alien, the state governmental entity or local health department shall terminate any recurring benefit, and shall pursue any action applicable against the applicant pursuant to § 4-57-104 or § 4-57-105.

(g) The verification process required by this section shall be enforced without regard to race, religion, gender, ethnicity or national origin.

4-57-104.

(a) Any natural person eighteen (18) years of age or older who knowingly and willfully makes a false, fictitious or fraudulent statement or representation under this chapter shall be liable under either:

(1) The Tennessee Medicaid False Claims Act, compiled in §§ 71-5-181—71-5-185; or

(2) The False Claims Act, compiled in Chapter 18 of this title.

(b) Any natural person who conspires to defraud the state or any local health department by securing a false claim allowed or paid to another person in violation of this chapter shall be liable under § 4-18-103(a)(3).

(c) A state governmental entity or local health department shall file, with the attorney general and reporter of this state, a complaint alleging a violation of subsections (a) or (b), as applicable.

(d) Any monies collected pursuant to this section shall be deposited with and utilized by the applicable entity or local health department that filed a complaint pursuant to subsection (c). The applicable entity or local health department shall establish a fund for the deposit of such monies, and shall use such monies for the sole purpose of enforcing this chapter. Any interest accruing on investments and deposits of the fund shall be credited to such fund, shall not revert to any general fund, and shall be carried forward into each subsequent fiscal year.

4-57-105. A state governmental entity or local health department shall file, with the United States attorney, a complaint alleging a criminal violation of 18 U.S.C. § 911, for each person who willfully makes a false, fictitious or fraudulent statement or representation of United States citizenship.

4-57-106.

(a) No state governmental entity or local health department shall provide or offer to provide any federal, state or local public benefit in violation of this chapter.

(b) Each entity and local health department, subject to this chapter, shall include in any annual report to the general assembly, as required by law, a report of its compliance with this chapter through June 30 of each year.

4-57-107. Unless otherwise provided by federal law, no state governmental entity or local health department shall be prohibited, or in any way restricted, from sending to or receiving from the immigration and naturalization service information regarding the immigration status, lawful or unlawful, of an alien in the United States.

4-57-108. This chapter shall be interpreted consistently with all federal laws, including, but not limited to, federal laws regulating immigration, labor, and Medicaid, and all state laws.

4-57-109.

(a) Nothing in this chapter shall be interpreted as limiting a state governmental entity or local health department regarding its current application process for administering a federal, state or local public benefit, including, but not limited to, requesting additional information from the applicant or requiring additional verification of eligibility.

(b) The state shall defray the cost to a local health department of verifying each applicant's status for a benefit.

4-57-110. This chapter shall not apply to:

(1) Any person applying for benefits who:

(A) Lacks the mental capacity to commit perjury under oath;
and

(B) Has not been judicially appointed a guardian or conservator;

(2) Legal services provided by a district public defender, court-appointed counsel, or other counsel for indigent services;

(3) Prenatal care administered by the Department of Health; or

(4) The Special Supplemental Food Program for Women, Infants and Children administered by the Department of Health.

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

SECTION 2. Tennessee Code Annotated, Section 4-18-103(d), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(d) This section does not apply to any controversy involving an amount of less than five hundred dollars (\$500) in value, unless the controversy arose from a violation of Chapter 57, Part 1 of this title. For purposes of this subsection (d), "controversy" means any one (1) or more false claims submitted by the same person in violation of this chapter.

SECTION 3. All affected state governmental entities are authorized to promulgate rules and regulations to effectuate the purposes of this act. All rules and regulations promulgated by a state governmental entity shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. For purposes of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect October 1, 2012, the public welfare requiring it, and shall apply to all applications for benefits submitted to state governmental entities or local health departments on or after October 1, 2012.

/s/ Senator Finney
/s/ Senator Johnson
/s/ Senator Yager

/s/ Representative Carr
/s/ Representative Haynes
/s/ Representative Larry Miller

Senator Johnson moved that the Conference Committee Report on **House Bill No. 1379/Senate Bill No. 1325** be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes 29
Noes 1

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey --29.

Senator voting no was: Marrero--1.

A motion to reconsider was tabled.

**REPORT OF SELECT COMMITTEE
CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 1054/SENATE BILL NO. 1738**

The report was received and filed with the Clerk.

**REPORT OF SELECT COMMITTEE
CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 1054/SENATE BILL NO. 1738**

The Senate and House Conference Committee appointed pursuant to motions to resolve the differences between the two houses on Senate Bill No. 1738 (House Bill No. 1054) has met and recommends that all Senate and House amendments be deleted.

The Committee further recommends that the following amendment be adopted:

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-4-1001(2), is amended by adding the following language at the end of the subdivision:

. "Cigarette" includes any cigarette produced by a cigarette rolling machine at a retail establishment;

SECTION 2. Tennessee Code Annotated, Section 67-4-1001, is amended by adding the following language as new, appropriately designated subdivisions:

() "Cigarette rolling machine" means a machine at a retail establishment that enables any person to process at that establishment tobacco or any product that is made or derived from tobacco into a roll or tube. "Cigarette rolling machine" does not mean any hand-held, manually operated cigarette rolling machine, equipment, or device, if such machine, equipment, or device is held by the retail establishment solely for the sale to consumers for off-premises use in making cigarettes for personal consumption;

() "Cigarette rolling machine operator" means a person that purchases or leases for use, or controls, possesses or maintains, a cigarette rolling machine at a retail establishment that enables any person to process at that establishment tobacco or any product that is made or derived from tobacco into a roll or tube. A cigarette rolling machine operator is deemed to be a tobacco distributor for purposes of this part;

() "Loose tobacco" means tobacco that is not contained in rolls or tubes and that has been removed from its original packaging;

SECTION 3. Tennessee Code Annotated, Section 67-4-1006(a)(1), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(1) The tax imposed by this part shall be paid by the purchase of stamps from the commissioner of such design or denomination as may be prescribed by the commissioner, except that reconciliation payments of taxes on cigarettes made by cigarette rolling machine operators shall be paid in the time and manner prescribed by § 67-4-1031.

SECTION 4. Tennessee Code Annotated, Section 67-4-1011, is amended by adding the following language as a new, appropriately designated subsection:

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

() A cigarette rolling machine operator must keep records both of tobacco sold for use in the operator's cigarette rolling machine and of any cigarettes made from such tobacco through use of the cigarette rolling machine.

SECTION 5. Tennessee Code Annotated, Section 67-4-1012(a), is amended by adding the following language at the end of the subsection:

Every cigarette rolling machine operator shall permit the commissioner or the commissioner's authorized agent to inspect the operator's cigarette rolling machine at any time.

SECTION 6. Tennessee Code Annotated, Section 67-4-1015(c)(1), is amended by adding the following language as new, appropriately designated subdivision:

() Cigarette rolling machine operator — Five hundred dollars (\$500) for each cigarette rolling machine purchased or leased for use, or controlled, possessed or maintained by the cigarette machine operator;

SECTION 7. Tennessee Code Annotated, Title 67, Chapter 4, Part 10, is amended by adding the following language as a new section:

67-4-1031. Reconciliation of tax on cigarettes produced by cigarette rolling machines.

A tax shall be levied on the consumer of cigarettes produced through the use of a cigarette rolling machine at the rate imposed by § 67-4-1004, except that § 67-4-1004(b) shall not apply to such cigarettes. Such tax shall be reduced by the amount of state excise tax paid by the cigarette rolling machine operator pursuant to § 67-4-1005 for the purchase of tobacco products used to produce such cigarettes. A cigarette rolling machine operator shall calculate the amount of tax applicable to the cigarettes produced through the use of a cigarette rolling machine and shall remit such amount to the department with the requisite tax forms.

SECTION 8. Tennessee Code Annotated, Title 67, Chapter 4, Part 10, is amended by inserting the following language as new sections:

67-4-1032. Cigarette rolling machine operators.

(a) On and after October 1, 2013, no cigarette rolling machine operator shall:

(1) Use, offer for use, or allow to be used in its cigarette rolling machines any tobacco other than roll-your-own tobacco that is currently listed on the directory maintained by the commissioner pursuant to § 67-4-2602;

(2) Possess any loose tobacco other than roll-your-own tobacco that is currently listed on the directory maintained by the commissioner pursuant to § 67-4-2602;

(3) Possess more than sixteen (16) ounces per cigarette rolling machine of loose tobacco of any brand within a directory-approved roll-your-own brand family at any given time; or

(4) Accept or allow the operator's cigarette rolling machine to be used to process cigarettes with tobacco that was not first purchased or obtained from the cigarette rolling machine operator.

(b)(1) Any cigarette rolling machine purchased or leased for use, or controlled, possessed or maintained by a cigarette rolling machine operator must contain a secure meter that:

(A) Counts the number of cigarettes made, manufactured, or fabricated by the machine; and

(B) Cannot be altered by the cigarette rolling machine operator.

(2) Upon request by the commissioner, a cigarette rolling machine operator shall provide the information contained on the secure meter. The cigarette rolling machine operator shall maintain the information contained on the secure meter for a period of seven (7) years from the date of each transaction.

(c) In addition to or in lieu of any other civil or criminal remedy provided by law:

(1) The commissioner may revoke or suspend a license issued to a cigarette rolling machine operator under this part if the cigarette rolling machine operator has violated this section, or any rule adopted pursuant to this section, as provided by § 67-4-1016 and in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5; and

(2) For each violation of this section, or any rule adopted pursuant to this section, the commissioner may impose a civil penalty in an amount not to exceed the greater of five hundred percent (500%) of the retail value of the tobacco that is sold, offered for sale, or possessed for sale in violation of this section or five thousand dollars (\$5,000). Such penalty shall be imposed in the manner provided by § 67-4-1015 and in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

(d) Any tobacco that has been sold, offered for sale, or possessed for sale by the cigarette rolling machine operator in violation of this section shall be deemed contraband and is subject to seizure and forfeiture by the commissioner as provided in § 67-4-1020 and § 67-4-1021.

(e) In lieu of the reporting requirements contained in § 67-4-2604(a), the commissioner may require, upon request, a cigarette rolling machine operator to submit any additional information as is necessary to enable the commissioner to determine whether a cigarette rolling machine operator is in compliance with this part.

67-4-1033.

(a) Prior to October 1, 2013, it is an offense for any person selling, leasing, or otherwise providing for use a cigarette rolling machine to fail to provide notice prior to the sale of the machine to the prospective purchaser, lessor, or user of such machine on a separate, written disclosure form the current status of the federal excise tax rate on tobacco products, including, but not limited to, pipe tobacco, and that, on and after October 1, 2013, pursuant to the provisions of this act:

(1) The products produced by the machine:

(A) Will be cigarettes for the purposes of Title 67, Chapter 4, Part 10; and

(B) Will be taxed as provided in this act; and

(2) Only tobacco included on the directory established pursuant to § 67-4-2602 will be permitted to be used in such machine.

(b) The department shall require an applicant for a cigarette rolling machine operator license under 67-4-1015(c)(1) to disclose whether the applicant received the notice required by subsection (a).

(c) A violation of subsection (a) is a Class A misdemeanor punishable by a fine only. Each failure to provide notice shall constitute a separate violation.

SECTION 9. On or before February 1, 2013, the Commissioner of Revenue shall report to the Finance, Ways and Means Committees of the Senate and the House of Representatives concerning cigarette rolling machine operators in this state. The report shall identify as of August 1, 2012, and January 15, 2013, the number of licensed cigarette rolling machine operators and the number of cigarette rolling machines in this state.

SECTION 10. This act shall take effect July 1, 2012, the public welfare requiring it, provided, however, that Section 3 and Section 7 shall take effect October 1, 2013, the public welfare requiring it.

/s/ Senator Johnson
/s/ Senator Ketron
/s/ Senator Tate

/s/ Representative McDaniel
/s/ Representative Odom
/s/ Representative Sargent

Senator Johnson moved that the Conference Committee Report on **House Bill No. 1054/Senate Bill No. 1738** be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes 25
Noes 2

Senators voting aye were: Barnes, Bell, Faulk, Finney, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--25.

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

Senators voting no were: Ford and Kyle--2.

A motion to reconsider was tabled.

MOTION

Senator McNally moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 750**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 750 -- Naming and Designating -- Recognizes September 17 as U.S. Constitution Day; urges enhanced classroom instruction about the U.S. Constitution.

On motion of Senator McNally, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 750** was concurred in.

A motion to reconsider was tabled.

MESSAGE CALENDAR NO. 3

FURTHER ACTION ON SENATE BILL NO. 1504

Senator Southerland moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 1504**, which motion prevailed by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

NOTICES

MESSAGE FROM THE HOUSE

May 1, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2982. The House adopted the Conference Committee report and made it the action of the House.

JOE MCCORD,
Chief Clerk.

**REPORT OF SELECT COMMITTEE
CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 2982/SENATE BILL NO. 2705**

The report was received and filed with the Clerk.

**REPORT OF SELECT COMMITTEE
CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 2982/SENATE BILL NO. 2705**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 2982 (Senate Bill No. 2705) has met and recommends that the following amendments be deleted:

House Amendment No. 1 (Drafting No. 14165)
House Amendment No. 2 (Drafting No. 16879)
House Amendment No. 3 (Drafting No. 15369)
Senate Amendment No. 1 (Drafting No. 16650)
Senate Amendment No. 2 (Drafting No. 16872)

The Committee further recommends that the following amendment be adopted:

AMEND by deleting the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 47-14-121, is amended by deleting the section in its entirety and by substituting instead the following:

47-14-121.

(a) Except as set forth in subsection (c), the interest rate on judgments per annum in all courts, including decrees, shall:

(1) For any judgment entered between July 1 and December 31, be equal to two percent (2%) less than the formula rate per annum published by the Commissioner of Financial Institutions, as required by § 47-14-105, for June of the same year; or

(2) For any judgment entered between January 1 and June 30, be equal to two percent (2%) less than the formula rate per annum published by the Commissioner of Financial Institutions, as required by § 47-14-105, for December of the prior year.

(b) To assist parties and the courts in determining and applying the interest rate on judgments set forth in subsection (a) for the six-month period in which a judgment is entered, before or at the beginning of each six-month period the administrative office of the courts:

(1) Shall calculate the interest rate on judgments that shall apply for the new six-month period pursuant to subsection (a);

(2) Shall publish that rate on the administrative office of the courts' Web site; and

(3) Shall maintain and publish on that Web site the judgment interest rates for each prior six-month period going back to the rate in effect for the six-month period beginning July 1, 2012.

(c) Notwithstanding subsection (a) or (b), where a judgment is based on a statute, note, contract, or other writing that fixes a rate of interest within the limits provided in § 47-14-103 for particular categories of creditors, lenders or transactions, the judgment shall bear interest at the rate so fixed.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.

/s/ Senator Berke
/s/ Senator Kelsey
/s/ Senator Tracy

/s/ Representative Dennis
/s/ Representative Hardaway
/s/ Representative Faison

Senator Kelsey moved that the Conference Committee Report on **House Bill No. 2982/Senate Bill No. 2705** be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes 18
Noes 14

Senators voting aye were: Beavers, Bell, Berke, Ford, Gresham, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Roberts, Southerland, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--18.

Senators voting no were: Barnes, Burks, Campfield, Faulk, Finney, Harper, Haynes, Henry, Herron, Kyle, Marrero, Overbey, Stewart and Tate--14.

A motion to reconsider was tabled.

**REPORT OF SELECT COMMITTEE
CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 369/SENATE BILL NO. 326**

The report was received and filed with the Clerk.

**REPORT OF SELECT COMMITTEE
CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 369/SENATE BILL NO. 326**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on Senate Bill No. 326 (House Bill No. 329) has met and recommends that the following amendments be deleted:

Senate Amendments Nos. 1, 2, 3, 4, and House Amendments Nos. 4, 5, 7, 8, 9, 10.

The Committee further recommends that the following amendment be adopted:

House Amendment No. 2.

/s/ Senator Beavers
/s/ Senator Roberts
/s/ Senator Henry

/s/ Representative Pody
/s/ Representative Casada
Representative Pitts

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

Senator Johnson moved that the Conference Committee Report on **House Bill No. 369/Senate Bill No. 326** be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes 20
Noes 12

Senators voting aye were: Beavers, Bell, Campfield, Faulk, Gresham, Henry, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--20.

Senators voting no were: Barnes, Berke, Burks, Finney, Ford, Harper, Haynes, Herron, Kyle, Marrero, Stewart and Tate--12.

A motion to reconsider was tabled.

**REPORT OF SELECT COMMITTEE
CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 1916/SENATE BILL NO. 1493**

The report was received and filed with the Clerk.

**REPORT OF SELECT COMMITTEE
CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 1916/SENATE BILL NO. 1493**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 1916 (Senate Bill No. 1493) has met and recommends that the following amendments be deleted: House Amendment No. 1 and Senate Amendment No. 1.

The Committee further recommends that the following amendment be adopted:

AMEND by deleting all language following the enacting clause and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 57, Chapter 1, Part 2, is amended by adding the following as a new section thereto:

57-1-213.

(a) Notwithstanding any other law to the contrary, the Alcoholic Beverage Commission may assess the actual and reasonable costs of any hearing held in accordance with the contested case provisions of the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, Part 3, and in which sanctions of any kind are imposed on any person or entity required to be licensed, permitted, registered or otherwise authorized by the commission. These costs may include, but are not limited to, those incurred and assessed for the time of the prosecuting attorneys, investigators, expert witnesses, administrative judges and any other persons involved in the investigation, prosecution and hearing of the action.

(b) The commissioner shall promulgate rules and regulations establishing a schedule of costs that may be assessed pursuant to this section. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

(c)(1) All costs assessed pursuant to this section shall become final thirty (30) days after the date a final order of assessment is served.

(2) If the individual or entity disciplined fails to pay an assessment when it becomes final, the commission may apply to the appropriate court for a judgment and seek execution of the judgment.

(3) Jurisdiction for recovery of the costs shall be in the Chancery Court of Davidson County.

SECTION 2. Tennessee Code Annotated, Section 57-3-704, is amended by deleting subdivisions (1) and (2) in their entirety and by substituting instead the following language:

(1) Other than for a crime described in subdivision (2), the applicant has not been convicted of a felony within the previous four (4) years;

(2)(A) The applicant has not been convicted of any crime relating to alcoholic beverages and beer, other than related to the sale of such beverages as provided in subdivision (B), schedules 1 and 2 controlled substances or any sex-related crime or embezzlement within the previous eight (8) years; or

(B)(i) Except as provided in subdivision (ii), the applicant has not been convicted of any crime relating to the sale of alcoholic beverages or beer occurring within eight (8) years prior to the date of the application.

(ii) If an applicant is charged with any crime described under subdivision (2)(B) as a first offense and the applicant is placed on judicial diversion, the applicant may be issued a server permit upon successful completion of the judicial diversion.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

/s/ Senator Marrero
/s/ Senator Yager
/s/ Senator Faulk

/s/ Representative Mike Turner
/s/ Representative McCormick
/s/ Representative Cobb

Senator Marrero moved that the Conference Committee Report on **House Bill No. 1916/Senate Bill No. 1493** be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes 27
Noes 0

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

Senators voting aye were: Barnes, Bell, Berke, Burks, Campfield, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Ketron, Kyle, Marrero, Massey, Norris, Overbey, Roberts, Stewart, Summerville, Tate, Watson, Yager and Mr. Speaker Ramsey--27.

A motion to reconsider was tabled.

MOTION

Senator Norris moved that a committee be appointed by the Speaker to notify the House that the Senate had completed its business and was ready to adjourn, which motion prevailed.

Senator Norris moved that a committee be appointed by the Speaker to notify the Governor that the Senate had completed its business and was ready to adjourn, which motion prevailed.

APPOINTMENT OF SELECT COMMITTEES

The Speaker announced the appointments of Senators Gresham, Chairperson; Johnson, Roberts, Berke, Haynes and Stewart to notify the Governor that the Senate had completed its business and was ready to adjourn.

The Speaker announced the appointments of Senators Watson, Chairperson; Tracy, Summerville, Herron, Ford and Marrero to notify the House that the Senate had completed its business and was ready to adjourn.

RECESS

The Senate stood in recess pending reports from the two committees.

CALL TO ORDER

The Senate was called to order by Mr. Speaker Ramsey.

ROLL CALL

The Speaker declared that a quorum was present.

On motion, the roll call was dispensed with.

MESSAGE FROM THE HOUSE

May 1, 2012

MR. SPEAKER: I am directed by the House to notify the Senate that the House has completed its business and is ready to adjourn sine die in accordance with Senate Joint Resolution No. 930.

JOE MCCORD,
Chief Clerk.

REPORT OF SELECT COMMITTEES

Senator Gresham advised the Senate that the Governor had been notified that the Senate had completed its business and was ready to adjourn.

Senator Watson advised the Senate that the House had been notified that the Senate had completed its business and was ready to adjourn.

MOTION

On motion of Senator Ford, her name was added as sponsor of **Senate Bills Nos. 239 and 3145; and Senate Joint Resolution No. 893.**

On motion of Senator Norris, his name was added as sponsor of **Senate Bills Nos. 326, 1688 and 2777.**

On motion of Senators Barnes, Beavers, Bell, Berke, Burks, Campfield, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Joint Resolutions Nos. 925 and 926.**

On motion of Senator Kyle, his name was added as sponsor of **Senate Joint Resolutions Nos. 927 and 932; and House Joint Resolutions Nos. 1155, 1171, 1172, 1173, 1174, 1175 and 1176.**

On motion of Senators Barnes, Beavers, Bell, Berke, Burks, Campfield, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Joint Resolution No. 930.**

On motion of Senators Campfield, Roberts, Summerville and Yager, their names were added as sponsors of **House Joint Resolution No. 750.**

On motion of Senator Beavers, her name was added as sponsor of **House Joint Resolution No. 791.**

On motion of Senators Ford, Gresham and Overbey, their names were added as sponsors of **House Joint Resolution No. 816.**

On motion of Senators Barnes and Henry, their names were added as sponsors of **House Joint Resolution No. 863.**

On motion of Senators Berke, Faulk, Kyle and Overbey, their names were added as sponsors of **House Joint Resolution No. 870.**

On motion of Senators Berke and Marrero, their names were added as sponsors of **House Joint Resolution No. 960.**

On motion of Senator Yager, his name was added as sponsor of **House Joint Resolution No. 980.**

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

On motion of Senators Burks, Henry and Herron, their names were added as sponsors of **House Joint Resolution No. 1017**.

On motion of Senator Herron, his name was added as sponsor of **House Joint Resolution No. 1055**.

On motion of Senator Southerland, his name was added as sponsor of **House Joint Resolution No. 1061**.

On motion of Senators Herron, Kyle and Marrero, their names were added as sponsors of **House Joint Resolutions Nos. 1093, 1142 and 1163**.

On motion of Senators Herron and Roberts, their names were added as sponsors of **House Joint Resolution No. 1141**.

On motion of Senator Marrero, her name was added as sponsor of **House Joint Resolution No. 1143**.

On motion of Senator Roberts, his name was added as sponsor of **House Joint Resolutions Nos. 1144, 1145, 1146, 1147, 1148, 1165, 1166, 1167, 1168, 1169, 1170 and 1179**.

On motion of Senator Berke, his name was added as sponsor of **House Joint Resolutions Nos. 1150 and 1151**.

On motion of Senators Ford and Marrero, their names were added as sponsors of **House Joint Resolution No. 1152**.

On motion of Senators Ford, Kyle and Marrero, their names were added as sponsors of **House Joint Resolution No. 1153**.

On motion of Senators Faulk and Overbey, their names were added as sponsors of **House Joint Resolution No. 1156**.

On motion of Senators Faulk, Massey and Overbey, their names were added as sponsors of **House Joint Resolution No. 1157**.

On motion of Senators Kyle and Marrero, their names were added as sponsors of **House Joint Resolutions Nos. 1158, 1159, 1160 and 1161**.

On motion of Senators Burks and Yager, their names were added as sponsors of **House Joint Resolution No. 1164**.

On motion of Senators Finney, Berke, Herron, Kyle, Marrero and Overbey, their names were added as sponsors of **House Joint Resolution No. 1177**.

On motion of Senators Berke, Faulk, Herron, Kyle, Marrero, Massey and Overbey, their names were added as sponsors of **House Joint Resolution No. 1178**.

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

ENGROSSED BILLS

May 1, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined Senate Bills Nos. 2777, 3005, 3597 and 3813; and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,
Deputy Chief Clerk.

ENGROSSED BILLS

May 1, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined Senate Joint Resolutions Nos. 893, 927 and 930; and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,
Deputy Chief Clerk.

MESSAGE FROM THE HOUSE

May 1, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2315, passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 1, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 751, adopted, for the Senate's action.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 1, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 1329, 2484, 2560, 2606, 2759, 2886, 2923, 3170, 3270, 3315, 3507, 3545 and 3547; substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 1, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2129, 2212, 2349, 2368, 2371, 2438, 2863, 3005, 3106 and 3155; substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,
Chief Clerk.

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

MESSAGE FROM THE HOUSE

May 1, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 326. The House failed to adopt the Conference Committee Report.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 1, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1325. The House adopted the Conference Committee Report and made it the action of the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 1, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1493. The House adopted the Conference Committee Report and made it the action of the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 1, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1738. The House adopted the Conference Committee Report and made it the action of the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 1, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 904, concurred in by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 1, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 925, 926 and 928; concurred in by the House.

JOE MCCORD,
Chief Clerk.

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

MESSAGE FROM THE HOUSE

May 1, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 930, concurred in by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 1, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 878.

JOE MCCORD,
Chief Clerk.

SIGNED

May 1, 2012

The Speaker announced that he had signed the following: Senate Bills Nos. 720, 948, 1197, 1935, 2253, 2370, 2420, 2667, 2788, 2809, 2845, 2895, 2908, 2929, 3207, 3310, 3330, 3458, 3503, 3513, 3535, 3596, 3653 and 3743; Senate Joint Resolution No. 222; and House Bills Nos. 182, 1376, 1572, 2278, 2387, 2389, 2506, 2513, 2548, 2566, 2641, 2776, 2812, 2844, 2854, 2962, 3051, 3062, 3093, 3270, 3276, 3365, 3373, 3381, 3429, 3517, 3727, 3808, 3858, 3867, 3870 and 3875.

SIGNED

May 1, 2012

The Speaker announced that he had signed the following: Senate Bills Nos. 1180, 2208, 2225, 2604, 2693, 2701, 2866, 2890, 2957, 2958, 2967, 3187, 3341, 3553, 3567, 3649 and 3808.

SIGNED

May 1, 2012

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 807 and 1154.

MESSAGE FROM THE HOUSE

May 1, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 720, 948, 1197, 1935, 2253, 2370, 2420, 2667, 2788, 2809, 2845, 2895, 2908, 2929, 3207, 3310, 3330, 3458, 3503, 3513, 3535, 3596, 3653, 3663 and 3743; and Senate Joint Resolution No. 222; signed by the Speaker.

JOE MCCORD,
Chief Clerk.

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

MESSAGE FROM THE HOUSE

May 1, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 1180, 2208, 2225, 2604, 2693, 2701, 2866, 2890, 2957, 2958, 2967, 3187, 3341, 3553, 3567, 3649 and 3808; signed by the Speaker.

JOE MCCORD,
Chief Clerk.

REPORT OF DEPUTY CHIEF CLERK

May 1, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 720, 948, 1197, 1935, 2253, 2370, 2420, 2667, 2788, 2809, 2845, 2895, 2908, 2929, 3207, 3310, 3330, 3458, 3503, 3513, 3535, 3596, 3653, 3663 and 3743; and Senate Joint Resolutions Nos. 552, 762, 892, 905, 907, 914 and 919; for his action.

ALAN WHITTINGTON,
Deputy Chief Clerk.

MESSAGE FROM THE GOVERNOR

May 1, 2012

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bills Nos. 1429, 1864, 2241, 2274, 2462, 2463, 2587, 2596, 2755, 2852, 2879, 2970, 3062, 3165, 3179, 3257, 3549, 3602, 3608, 3801 and 3803; with his approval.

HERBERT H. SLATERY III,
Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

May 1, 2012

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 360, 568, 569, 578, 629, 777, 781, 782, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 872, 886 and 911; with his approval.

HERBERT H. SLATERY III,
Counsel to the Governor.

MOTION

Senator Norris moved that pursuant to Public Chapter 169 of the Acts of 2009, the Clerk be authorized to publish in the Senate Journal the names of all the Tennesseans who were members of the Armed Services who died in the line of duty from 2011-2012, which motion prevailed.

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

MOTION TO APPROVE THE JOURNAL

Senator Norris moved that the Senate Journal of the proceedings from the Fortieth Legislative Day through the Eighty-First Legislative Day of the Second Regular Session of the One Hundred Seventh General Assembly be approved, which motion prevailed.

ADJOURNMENT

Thereupon, in accordance with **Senate Joint Resolution No. 930**, Mr. Speaker Ramsey declared the Senate of the Second Regular Session of the One Hundred Seventh General Assembly adjourned sine die.

Ron Ramsey
Speaker of the Senate

Attest: Russell A. Humphrey
Chief Clerk of the Senate

All bills and joint resolutions presented to the Governor subsequent to April 18, 2012, for his actions, being within ten days of the adjournment of the Second Regular Session of the One Hundred Seventh General Assembly, prevents the return of said bills to the Senate within the ten-day period. Accordingly, the final action taken by the Governor will be filed by him in the Secretary of State's Office, all in compliance with Article III, Section 18, relating to the Governor's Veto Power of the Constitution of Tennessee.

**RESOLUTIONS ENROLLED, SIGNED AND TRANSMITTED
TO GOVERNOR SUBSEQUENT TO ADJOURNMENT**

ENROLLED BILLS

May 2, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Joint Resolution No. 878, and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON,
Deputy Chief Clerk.

MESSAGE FROM THE HOUSE

May 2, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 750, 791, 816, 863, 870, 872, 960, 980, 1017, 1055, 1061, 1093, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1150, 1151, 1153, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180 and 1181; for the signature of the Speaker.

JOE MCCORD,
Chief Clerk.

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

SIGNED

May 2, 2012

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 750, 791, 816, 863, 870, 872, 960, 980, 1017, 1055, 1061, 1093, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1150, 1151, 1153, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180 and 1181.

MESSAGE FROM THE GOVERNOR

May 2, 2012

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Bill No. 3345, without his signature.

HERBERT H. SLATERY III,
Counsel to the Governor.

ENROLLED BILLS

May 3, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Joint Resolution No. 930, and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON,
Deputy Chief Clerk.

MESSAGE FROM THE HOUSE

May 3, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 651, 991, 1013, 1075, 1171, 2114, 2174, 2344, 2383, 2633, 2749, 2774, 2847, 2982, 2994, 3119, 3124, 3208, 3218, 3263, 3431, 3459, 3604, 3659, 3665, 3671, 3673, 3760, 3761, 3836, 3837, 3839, 3851, 3877, 3881, 3882, 3884, 3886 and 3887; for the signature of the Speaker.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 3, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 1105, for the signature of the Speaker.

JOE MCCORD,
Chief Clerk.

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

SIGNED

May 3, 2012

The Speaker announced that he had signed the following: House Bill No. 1105.

REPORT OF DEPUTY CHIEF CLERK

May 3, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 1180, 2208, 2225, 2278, 2604, 2693, 2701, 2866, 2890, 2957, 2958, 2967, 3187, 3341, 3553, 3567, 3649 and 3808; for his action.

ALAN WHITTINGTON,
Deputy Chief Clerk.

ENROLLED BILLS

May 4, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Bills Nos. 239, 1325, 1329, 1493, 1688, 1738, 2129, 2212, 2247, 2267, 2302, 2349, 2368, 2371, 2438, 2484, 2560, 2580, 2699, 2735, 2759, 2777, 2863, 2886, 2923, 2943, 3005, 3092, 3106, 3145, 3155, 3170, 3247, 3264, 3270, 3315, 3350, 3507, 3545, 3547, 3647, 3657, 3742 and 3813; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON,
Deputy Chief Clerk.

ENROLLED BILLS

May 4, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Bills Nos. 420, 1878, 2633, 2816, 3597 and 3815; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON,
Deputy Chief Clerk.

SIGNED

May 4, 2012

The Speaker announced that he had signed the following: Senate Joint Resolution No. 930.

MESSAGE FROM THE HOUSE

May 4, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 878 and 930, signed by the Speaker.

JOE MCCORD,
Chief Clerk.

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

ENROLLED BILLS

May 7, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Bills Nos. 1504 and 2606, and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON,
Deputy Chief Clerk.

ENROLLED BILLS

May 7, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Bill No. 3520; Senate Joint Resolutions Nos. 526, 870, 871, 873, 874, 875, 876, 877, 879, 880, 881, 882, 883, 884, 885, 887, 888, 889, 890, 891, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 906, 908, 909, 910, 912, 913, 915, 916, 917, 918, 921, 922, 925, 926 and 928; and Senate Resolutions Nos. 89, 122, 123, 124, 126, 127, 130, 131, 133, 134, 135, 136, 137, 138 and 139; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON,
Deputy Chief Clerk.

SIGNED

May 7, 2012

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 526, 870, 871, 873, 874, 875, 876, 877, 879, 880, 881, 882, 883, 884, 885, 887, 888, 889, 890, 891, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 906, 908, 909, 910, 912, 913, 915, 916, 917, 918, 921, 922, 925, 926 and 928; and Senate Resolutions Nos. 89, 122, 123, 124, 126, 127, 130, 131, 133, 134, 135, 136, 137, 138 and 139.

MESSAGE FROM THE HOUSE

May 7, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 562, 870, 871, 873, 874, 875, 876, 877, 879, 880, 881, 882, 883, 884, 885, 887, 888, 889, 890, 891, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 906, 908, 909, 910, 912, 913, 915, 916, 917, 918, 921, 922, 925, 926 and 928; signed by the Speaker.

JOE MCCORD,
Chief Clerk.

SIGNED

May 8, 2012

The Speaker announced that he had signed the following: Senate Bills Nos. 239, 420, 1325, 1329, 1493, 1504, 1688, 1738, 1878, 2129, 2212, 2247, 2267, 2302, 2349, 2368, 2371, 2438, 2484, 2560, 2580, 2606, 2633, 2699, 2735, 2759, 2777, 2816, 2863, 2886, 2923, 2943, 3005, 3092, 3106, 3145, 3155, 3170, 3223, 3247, 3264, 3270, 3315, 3350, 3507, 3520, 3545, 3547, 3597, 3647, 3657, 3742, 3813 and 3815; and House Bills Nos. 651, 991, 1013, 1075, 1171, 2114, 2174, 2344, 2383,

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

2633, 2749, 2774, 2847, 2982, 2994, 3119, 3124, 3208, 3218, 3263, 3431, 3459, 3604, 3659, 3665, 3671, 3673, 3760, 3761, 3836, 3837, 3839, 3851, 3877, 3881, 3882, 3884, 3886 and 3887.

REPORT OF DEPUTY CHIEF CLERK

May 8, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 526, 870, 871, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 887, 888, 889, 890, 891, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 906, 908, 909, 910, 912, 913, 915, 916, 917, 918, 921, 922, 925, 926, 928 and 930; for his action.

ALAN WHITTINGTON,
Deputy Chief Clerk.

MESSAGE FROM THE HOUSE

May 9, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 3835, for the signature of the Speaker.

JOE MCCORD,
Chief Clerk.

SIGNED

May 9, 2012

The Speaker announced that he had signed the following: House Bill No. 3835.

MESSAGE FROM THE HOUSE

May 9, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 239, 420, 1325, 1329, 1493, 1504, 1688, 1738, 1878, 2129, 2212, 2247, 2267, 2302, 2349, 2368, 2371, 2438, 2484, 2560, 2580, 2606, 2633, 2699, 2735, 2759, 2777, 2816, 2863, 2886, 2923, 2943, 3005, 3092, 3106, 3145, 3155, 3170, 3223, 3247, 3264, 3270, 3315, 3350, 3507, 3520, 3545, 3547, 3597, 3647, 3657, 3742, 3813 and 3815; signed by the Speaker.

JOE MCCORD,
Chief Clerk.

REPORT OF DEPUTY CHIEF CLERK

May 9, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 239, 420, 1325, 1329, 1493, 1504, 1688, 1738, 1878, 2129, 2212, 2247, 2267, 2302, 2349, 2368, 2371, 2438, 2484, 2560, 2580, 2606, 2633, 2699, 2735, 2759, 2777, 2816, 2863, 2886, 2923, 2943, 3005, 3092, 3106, 3145, 3155, 3170, 3223, 3247, 3264, 3270, 3315, 3350, 3507, 3520, 3545, 3547, 3597, 3647, 3657, 3742, 3813 and 3815; for his action.

ALAN WHITTINGTON,
Deputy Chief Clerk.

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

MESSAGE FROM THE GOVERNOR

May 9, 2012

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Bill No. 2253, with his approval.

HERBERT H. SLATERY III,
Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

May 9, 2012

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 526, 552, 762, 870, 871, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 887, 888, 889, 890, 891, 892, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 912, 913, 914, 915, 916, 917, 918, 919, 921, 922, 925, 926, 928 and 930; with his approval.

HERBERT H. SLATERY III,
Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

May 10, 2012

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Bills Nos. 68, 74, 668, 2156, 2179, 2190, 2224, 2271, 2289, 2407, 2416, 2519, 2591, 2607, 2617, 2712, 2719, 2727, 2776, 2784, 2789, 2871, 2911, 2912, 2920, 2988, 3003, 3023, 3044, 3061, 3096, 3174, 3195, 3216, 3241, 3262, 3217, 3222, 3233, 3269, 3331, 3358, 3403, 3594, 3629, 3642, 3644, 3652, 3655, 3700, 3751, 3759, 3798 and 3810; with his approval.

HERBERT H. SLATERY III,
Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

May 10, 2012

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Bills Nos. 720, 948, 1197, 1935, 2208, 2370, 2420, 2667, 2788, 2809, 2845, 2895, 2908, 2929, 3207, 3310, 3330, 3458, 3503, 3513, 3535, 3596, 3653, 3663 and 3743; with his approval.

HERBERT H. SLATERY III,
Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

May 15, 2012

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Bills Nos. 1180, 2225, 2604, 2693, 2701, 2866, 2890, 2957, 2958, 2967, 3187, 3341, 3553, 3567, 3649 and 3808; with his approval.

HERBERT H. SLATERY III,
Counsel to the Governor.

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

MESSAGE FROM THE GOVERNOR

May 21, 2012

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Bills Nos. 239, 420, 1325, 1329, 1493, 1504, 1688, 1738, 1878, 2129, 2212, 2247, 2267, 2302, 2349, 2368, 2371, 2438, 2484, 2560, 2580, 2606, 2633, 2699, 2735, 2759, 2777, 2816, 2863, 2886, 2923, 2943, 3005, 3092, 3106, 3145, 3155, 3170, 3223, 3247, 3264, 3270, 3315, 3350, 3507, 3520, 3545, 3547, 3647, 3657, 3742, 3813 and 3815; with his approval.

HERBERT H. SLATERY III,
Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

May 21, 2012

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Bill No. 3597, with his veto.

HERBERT H. SLATERY III,
Counsel to the Governor.

May 21, 2012

The Honorable Ron Ramsey
Lieutenant Governor and Speaker of the Senate
1 Legislative Plaza
Nashville, TN 37243

RE: Senate Bill No. 3597

Lieutenant Governor Ramsey:

I am vetoing Senate Bill No. 3597.

I disagree with Vanderbilt University's "all-comers" policy. It is counter-intuitive to require campus organizations to open their membership and leadership positions to anyone, even when potential members or leaders philosophically disagree with the core values and beliefs of the organization. Student organizations should have the ability to choose leaders that share the beliefs of the organization without interference from the University. As a person of faith, the discriminatory effect of Vanderbilt's policy on religious organizations, in particular, is especially troubling to me, and I understand the legislature's desire to address this issue.

Despite my opposition to Vanderbilt's policy, I think it is inappropriate for state government to mandate the policies and practices of a private institution. The original version of Senate Bill No. 3597 applied only to public education institutions, which would have been an appropriate exercise of state power over public colleges and universities. The amended legislation, which ultimately passed, also exercised state power over private institutions. This government interference with a private institution contradicts conservative notions of limited government, and therefore, I will not sign such a measure into law.

Respectfully,

/s/ Bill Haslam

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

May 22, 2012

The Honorable Tre Hargett
Secretary of State
State Capitol
Nashville, Tennessee 37243-1102

Dear Mr. Secretary of State:

An enrolling error has been discovered in Senate Bill No. 2407/House Bill No. 2569 (assigned Public Chapter 915) from the One Hundred Seventh General Assembly. The bill passed the Senate on April 12, 2012. The House amended the bill and passed it on April 25, 2012. The Senate concurred in the House Amendment on April 26, 2012. The bill was signed by the Senate Speaker on April 27, 2012, the House Speaker on April 29, 2012, and transmitted to the Governor on April 30, 2012. The Governor signed it on May 10, 2012.

Pending signatures of the Speakers and Governor, a reenrolled, corrected version will be forwarded to your office.

With kindest regards, I am

Your friend,

/s/ Alan Whittington
Deputy Chief Clerk

May 23, 2012

The Honorable Tre Hargett
Secretary of State
State Capitol
Nashville, Tennessee 37243-1102

Dear Mr. Secretary of State:

The Governor received Senate Bill No. 3345 on April 19, 2012, and returned the bill May 2, 2012 without his signature.

As the Governor had the bill in his possession longer than ten (10) days, as provided for in Article III, Section 18 of the Constitution of the State of Tennessee, Senate Bill No. 3345 becomes law without the Governor's signature.

With best wishes, I am

Your friend,

/s/ Alan Whittington
Deputy Chief Clerk

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

May 29, 2012

The Honorable Tre Hargett
Secretary of State
Nashville, Tennessee 37243

Dear Mr. Secretary of State:

I am transmitting herewith House Bill No. 2161/ Senate Bill No. 2120, Public Chapter No. 902. House Bill No. 2161, was originally transmitted to the Governor's office on April 27, 2012, and signed by the Governor May 9, 2012.

The original House Bill No. 2161 was improperly enrolled. House Bill No. 2161 passed the House, February 16, 2012 (as amended) passed the Senate April 19, 2012. House Amendment No. 1 was adopted and House Amendment No. 2 was tabled. The text of House Amendment No. 2 was incorrectly enrolled in the house bill. The House adopted House Amendment No. 1. In enrolling the amendment the engrossing office failed to enroll the proper amendment.

We have attached the corrected House Bill No. 2161, as amended, and passed by both houses and signed by both Speakers. We regret the mistake and enclose the corrected House Bill No. 2161, as amended, for the Governor's signature.

Your attention to this is appreciated.

/s/ Betty Kay Francis
Chief Engrossing Clerk

MESSAGE FROM THE HOUSE

May 30, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2161, for the signature of the Speaker.

JOE MCCORD,
Chief Clerk.

ENROLLED BILLS

May 31, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Bill No. 2407, and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON,
Deputy Chief Clerk.

SIGNED

May 31, 2012

The Speaker announced that he had signed the following: Senate Bill No. 2407; and House Bill No. 2161.

4461

UNOFFICIAL VERSION

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

MESSAGE FROM THE HOUSE

June 4, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2407, signed by the Speaker.

JOE MCCORD,
Chief Clerk.

REPORT OF DEPUTY CHIEF CLERK

June 6, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bill No. 2407, for his action.

ALAN WHITTINGTON,
Deputy Chief Clerk.

MESSAGE FROM THE GOVERNOR

June 12, 2012

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bill No. 2407, with his approval.

HERBERT H. SLATERY III,
Counsel to the Governor.

June 15, 2012

The Honorable Tre Hargett
Secretary of State
State Capitol
Nashville, Tennessee 37243-1102

Dear Mr. Secretary of State:

An enrolling error has been discovered in Senate Bill No. 3657/House Bill No. 3430 (assigned Public Chapter 1107) from the One Hundred Seventh General Assembly. The bill passed the Senate, as amended, on April 26, 2012. The House concurred in Senate Bill No. 3657 on May 1, 2012. The bill was signed by the Senate Speaker on May 8, 2012, the House Speaker on May 9, 2012, and transmitted to the Governor on May 9, 2012. The Governor signed it May 21, 2012.

Pending the signatures of the Speakers and Governor, a reenrolled, corrected version will be forwarded to your office.

With kindest regards, I am

Your friend,

/s/ Alan Whittington
Deputy Chief Clerk

TUESDAY, MAY 1, 2012 -- 81ST LEGISLATIVE DAY

ENROLLED BILLS

June 15, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Bill No. 3657, and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON,
Deputy Chief Clerk.

SIGNED

June 15, 2012

The Speaker announced that he had signed the following: Senate Bill No. 3657.

REPORT OF DEPUTY CHIEF CLERK

June 25, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bill No. 3657, for his action.

ALAN WHITTINGTON,
Deputy Chief Clerk.

MESSAGE FROM THE GOVERNOR

June 27, 2012

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Bill No. 3657, with his approval.

HERBERT H. SLATERY III,
Counsel to the Governor.